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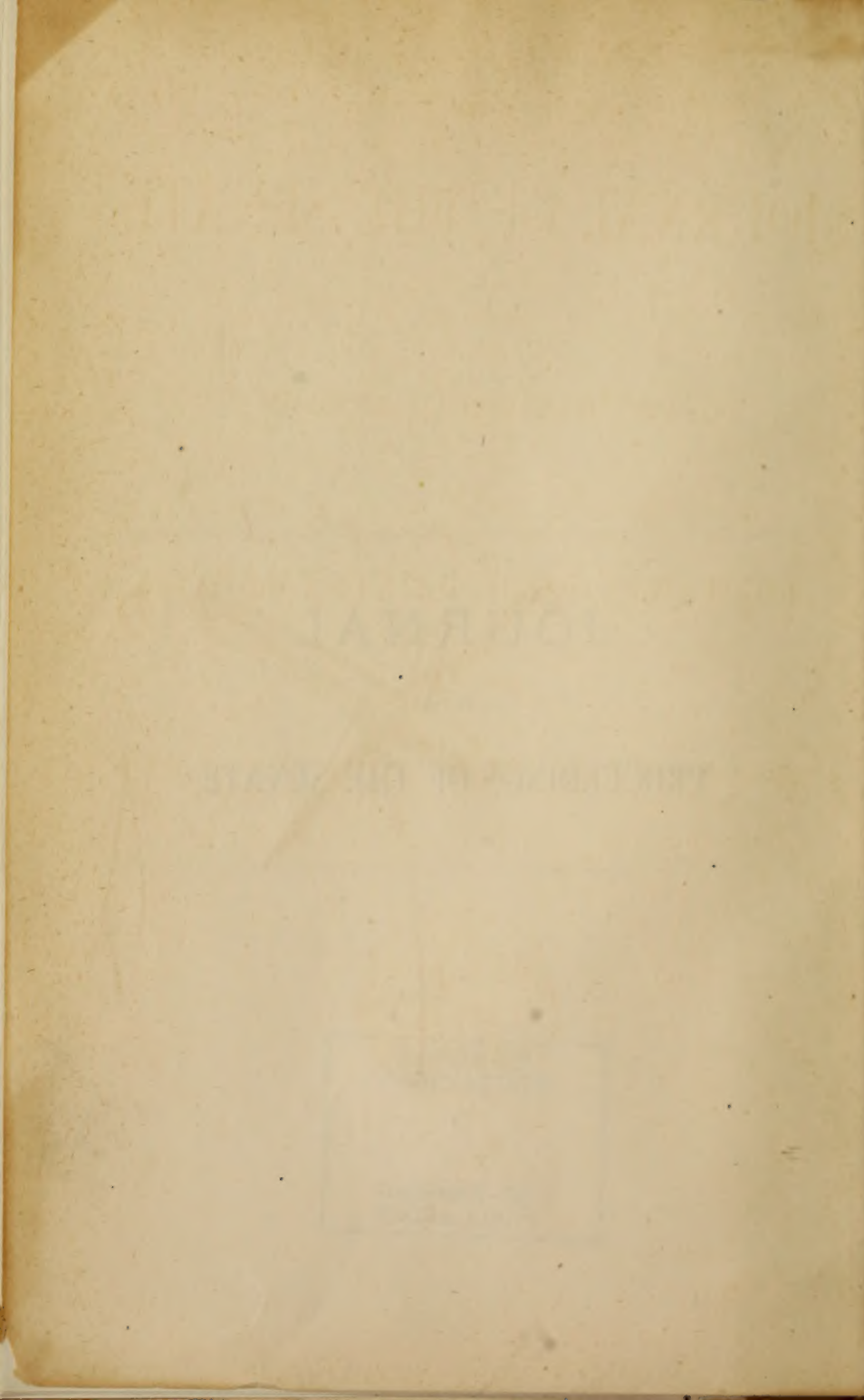
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JOURNAL
OF THE
PROCEEDINGS OF THE SENATE.

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THE
JOURNAL OF THE SENATE

DURING THE
TWENTY-THIRD SESSION

OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA,
1880.

BEGAN ON MONDAY, JANUARY FIFTH, AND ENDED ON FRIDAY, APRIL
SIXTEENTH, ONE THOUSAND EIGHT HUNDRED AND EIGHTY.



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1880.

ROCKY MOUNTAIN

THE HISTORY OF THE MOUNTAIN

AND THE MOUNTAIN PEOPLE

THE HISTORY OF THE MOUNTAIN

THE HISTORY OF THE MOUNTAIN



THE HISTORY OF THE MOUNTAIN

CALIFORNIA LEGISLATURE—SENATE.

TWENTY-THIRD SESSION.

IN SENATE.

SENATE CHAMBER,
Monday, January 5th, 1880. }

The Senate met at twelve o'clock M., pursuant to the requirements of the Constitution of the State of California.

The Hon. James A. Johnson, President of the Senate, presided, and announced that "this being the day and hour fixed by the Constitution for calling the Senate to order, and that duty being imposed upon me by statute and by the Constitution, I now call the Senate to order."

The President then read the following section of the Political Code:

SECTION 238. At the hour of twelve o'clock M., on the day appointed for the meeting of the regular session of the Legislature, the President of the Senate, or, in case of his absence or inability, then the senior member present, must take the chair, call the members and members elect to order, and then cause the Secretary to call over the Senatorial Districts, in their order, from which members have been elected at the preceding election, and, as the same are called, the members elect must present their certificates, take the Constitutional oath of office, and assume their seats. The Senate may thereupon, if a quorum is present, proceed to elect its officers.

The Secretary was then directed to call the roll of the Senators elect, and the following Senators responded:

First District—San Diego and San Bernardino.....	J. W. Satterwhite.
Second District—Los Angeles.....	J. P. West.
Third District—Ventura, Santa Barbara, and San Luis Obispo.....	Warren Chase.
Fourth District—Fresno, Tulare, Kern, Mono, and Inyo.....	Chester Rowell.
Fifth District—Mariposa, Merced, and Stanislaus.....	D. M. Pool.
Sixth District—Monterey, San Benito, and Santa Cruz.....	W. J. Hill.
Seventh District—Santa Clara.....	George F. Baker, J. C. Zuehl.
Eighth District—San Francisco and San Mateo.....	Robert Desty.
Ninth District—San Francisco.....	C. C. Conger, W. W. Traylor.
Tenth District—San Francisco.....	Paul Neumann, John H. Dickinson.
Eleventh District—San Francisco.....	Thomas Kane, T. K. Nelson.
Twelfth District—San Francisco.....	Joseph C. Gorman, Martin Kelly.
Thirteenth District—San Francisco.....	John S. Enos, Theo. H. Hittell.
Fourteenth District—Alameda.....	S. G. Nye, E. H. Pardee.
Fifteenth District—Contra Costa and Marin.....	W. H. Sears.
Sixteenth District—San Joaquin and Amador.....	B. F. Langford, A. T. Hudson.
Seventeenth District—Calaveras and Tuolumne.....	R. M. Lampson.

Eighteenth District—Sacramento	Grove L. Johnson, William Johnston.
Nineteenth District—Solano and Yolo	J. H. Harlan, J. T. Wendell.
Twentieth District—Napa, Lake, and Sonoma	W. L. Anderson.
Twenty-first District—Sonoma	W. W. Moreland.
Twenty-second District—Placer	S. B. Burt.
Twenty-third District—El Dorado and Alpine	W. H. Brown.
Twenty-fourth District—Nevada and Sierra	B. J. Watson, William George.
Twenty-fifth District—Yuba and Sutter	E. A. Davis.
Twenty-sixth District—Butte, Plumas, and Lassen	W. A. Cheney.
Twenty-seventh District—Del Norte, Humboldt, and Mendocino	P. H. Ryan.
Twenty-eighth District—Siskiyou, Modoc, Trinity, and Shasta	A. B. Carlock.
Twenty-ninth District—Colusa and Tehama	B. B. Glascock.

The Senators elect now took and subscribed to the oath of office, administered by the President of the Senate, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.

The President then announced the following as temporary officers, except as to those provided by law:

Sergeant-at-Arms—T. J. Sherwood.
Assistant Sergeant-at-Arms—T. A. Talbert.
Front Gate—James Saultry.
North Gate—Newton.
South Gate—Edward Morris.
Porter—Edward Cotter.
Porter to Sergeant-at-Arms—Mr. Clock.
Pages—B. W. Cavanaugh, Richard L. Levy, Henry Denner.
Postmaster—William Crawford.
Paper-folder—Andrew M. Lawrence.
Upper Gallery Porter—William Singleton.
Rear Porter—Hank Jones.
Mail Carrier—J. W. Johnston.

Mr. Brown moved that the rules of the last session of the Senate be adopted as the temporary rules of the Senate.

Mr. Sears offered an amendment, that a committee of three be appointed to draft rules for the government of the Senate.

Mr. Brown accepted the amendment, which, being put to a vote, was lost.

Mr. Satterwhite moved that the rules of the last Senate be adopted as the temporary rules of the Senate, excepting Rules Ten, Eleven, and Twelve.

Mr. West moved that the rules of the last Senate be adopted, so far as they apply to a temporary organization of the Senate.

Carried.

Mr. Brown offered the following resolution:

Resolved, That a committee of three be appointed to determine what clerical assistance is required by the Senate.

Lost.

Mr. Johnson moved that the Senate adjourn until twelve o'clock M. to-morrow.

On which the ayes and noes were demanded by Messrs. Satterwhite, Johnson, and Enos, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hall, Hittell, Hudson, Johnson, Johnston, Neumann, Pool, Sears, Traylor, Watson, Wendell, and Zuck—20.
NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, and West—19.

Whereupon the President announced the Senate adjourned until the hour of twelve o'clock M., on Tuesday, the sixth day of January, eighteen hundred and eighty.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 6th, 1880. }

The Senate met pursuant to adjournment.

The President of the last Senate in the chair.

The roll of the Senate was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson moved that the Senate do now proceed to the election of its officers in the order laid down in the Political Code.

Carried.

The President of the Senate announced that under the Code the first business in order was the election of a President pro tem.

ELECTION OF OFFICERS—PRESIDENT PRO TEM.

Mr. Sears nominated the Hon. G. F. Baker.

Mr. Satterwhite nominated the Hon. Warren Chase.

The roll was called, with the following result:

For Baker—Messrs. Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck.

For Chase—Messrs. Anderson, Conger, Enos, Glasecock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West.

For Sears—Mr. Baker.

For Satterwhite—Mr. Chase.

Whole number of votes cast	38
Necessary to a choice	20
Mr. Baker received	22
Mr. Chase received	15
Mr. Satterwhite received	1
Mr. Sears received	1

Mr. Baker, having received a majority of all the votes cast, was declared duly elected President pro tem. of the Senate.

SECRETARY OF THE SENATE.

Mr. Davis nominated Marcus D. Boruck.

Mr. Enos nominated Samuel P. Carusi.

The roll was called, with the following result:

For Boruck—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck.

For Carusi—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West.

Whole number of votes cast	39
Necessary to a choice	20
Mr. Boruck received	23
Mr. Carusi received	16

Mr. Boruck, having received a majority of the votes cast, was declared duly elected Secretary of the Senate.

ASSISTANT SECRETARIES.

Mr. Baker nominated J. R. Brierly.

Mr. Cheney nominated James A. Orr.

Mr. Moreland nominated Joseph Hotchkiss.

Mr. Chase nominated Henry Carnes.

The roll was called, with the following result:

For Brierly—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck.

For Orr—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Glascock, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck.

For Hotchkiss—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite.

For Carnes—Messrs. Anderson, Chase, Conger, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West.

Whole number of votes cast	39
Necessary to a choice	20
Mr. Brierly received	25
Mr. Orr received	25
Mr. Hotchkiss received	13
Mr. Carnes received	14

Messrs. Brierly and Orr, having received a majority of all the votes cast, were declared duly elected Assistant Secretaries of the Senate.

At this stage of the proceedings Mr. Boruck, Secretary elect of the Senate, came forward, and was sworn into office by President Johnson.

Mr. Enos presented a communication and telegram from Robert Desty, Senator elect from the Eighth Senatorial District, in reference to his absence, and the same was referred to the Committee on Elections, when appointed.

SERGEANT-AT-ARMS.

Mr. Hill nominated Andrew Wasson.

Mr. Conger nominated Phillip Oppenheimer.

The roll was called, with the following result:

For Wasson—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck.

For Oppenheimer—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West.

Whole number of votes cast	39
Necessary to a choice	20
Mr. Wasson received	23
Mr. Oppenheimer received	16

Mr. Wasson, having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms.

ASSISTANT SERGEANT-AT-ARMS.

Mr. Pardee nominated G. Meredith.

Mr. Gorman nominated Thomas Terry.

The roll was called, with the following result:

For Meredith—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck.

For Terry—Messrs. Anderson, Chase, Conger, Enos, Glasecock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West.

Whole number of votes cast	39
Necessary to a choice	20
Mr. Meredith received	23
Mr. Terry received	16

Mr. Meredith, having received a majority of all the votes cast, was declared duly elected Assistant Sergeant-at-Arms of the Senate.

MINUTE CLERK.

Mr. Wendell nominated W. R. Lambert.

The roll was called, with the following result:

For Lambert—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck.

For McStay—Messrs. Langford and Pool.

Whole number of votes cast	29
Necessary to a choice	15
Mr. Lambert received	27
Mr. McStay received	2

Mr. Lambert, having received a majority of all the votes cast, was declared duly elected Minute Clerk of the Senate.

JOURNAL CLERK.

Mr. Burt nominated Charles H. Graham.

Mr. Conger nominated A. L. Stone.

The roll was called, with the following result:

For Graham—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck.

For Stone—Messrs. Anderson, Chase, Conger, Enos, Glasecock, Gorman, Kane, Kelly, Langford, Moreland, Pool, Ryan, and Satterwhite.

Whole number of votes cast	37
Necessary to a choice	19
Mr. Graham received	24
Mr. Stone received	13

Mr. Graham, having received a majority of all the votes cast, was declared duly elected Journal Clerk of the Senate.

ENROLLING CLERK.

Mr. Watson nominated E. A. Roberts.

The roll was called, with the following result:

For Roberts—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck.

Whole number of votes cast ----- 28

Mr. Roberts, having received all the votes cast, was declared duly elected Enrolling Clerk of the Senate.

ENGROSSING CLERK.

Mr. Johnson nominated E. E. Ames.

Mr. Enos nominated Mrs. E. F. Ives.

The roll was called, with the following result:

For Ames—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Johnson, Johnston, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck.

For Ives—Messrs. Anderson, Chase, Conger, Enos, Glascock, German, Harlan, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West.

Whole number of votes cast ----- 39

Necessary to a choice ----- 20

Mr. Ames received ----- 21

Mrs. Ives received ----- 18

Mr. Ames, having received a majority of all the votes cast, was declared duly elected Engrossing Clerk of the Senate.

POSTMASTER.

Mr. Dickinson nominated William A. Crawford.

The roll was called, with the following result:

For Crawford—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck.

Whole number of votes cast ----- 32

Mr. Crawford, having received all the votes cast, was declared duly elected Postmaster of the Senate.

The officers elect, who had not previously taken the oath of office, were now sworn in by the President of the Senate.

RESOLUTIONS.

Mr. Enos offered a resolution, as follows:

Resolved, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized, and ready to proceed to business, with the following officers: President pro tem., George F. Baker; Secretary, M. D. Boruck; Assistant Secretaries, J. R. Brarly and J. A. Orr; Sergeant-at-Arms, A. Wasson; Assistant Sergeant-at-Arms, G. Meredith; Minute Clerk, W. L. Lambert; Journal Clerk, Charles H. Graham; Enrolling Clerk, E. A. Roberts; Engrossing Clerk, E. E. Ames; Postmaster, W. A. Crawford.

Adopted.

Mr. Watson offered a resolution, as follows:

Resolved, That a committee of five Senators be appointed by the President, whose duty it shall be to draft Standing Rules for the government of this body.

Laid on the table temporarily; subsequently taken up and adopted.

Mr. Davis offered a concurrent resolution, as follows:

Resolved by the Senate, the Assembly concurring, That the two bodies meet in Joint Convention, on Wednesday, January seventh, at twelve o'clock noon, for the purpose of canvassing the vote and declaring the result of the election for Governor and Lieutenant-Governor.

Laid on the table.

By Mr. Pardee—A concurrent resolution, as follows:

Resolved by the Senate, the Assembly concurring, That a joint-committee of six, three from the Senate and three from the Assembly, be appointed to notify the Governor that the Legislature is now organized and ready to receive any communication he may wish to make to it.

Laid on the table.

Mr. Johnson offered a concurrent resolution, as follows:

Resolved by the Senate, the Assembly concurring, That a committee, consisting of three members of the Senate and three members of the Assembly, be appointed to confer with the Governor elect as to what time the inauguration ceremonies shall take place, and that said committee have full power in the matter.

Laid on the table.

Subsequently taken up, adopted, and Messrs. Pardee, Watson, and Brown were appointed by the President on the committee on the part of the Senate.

Mr. Enos offered a resolution, as follows:

Resolved, That the Secretary of State be and he is hereby requested to place upon the desk of each Senator, a copy of such of the Codes, and Hittell's amendments and statutes, as he may have in his possession.

Adopted.

Mr. Cheney offered a resolution, as follows:

Resolved, That P. A. Bell be and he hereby is appointed Watchman, to have charge of the gallery, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Senate.

Laid on the table.

By Mr. Brown:

Resolved, That the Sergeant-at-Arms be empowered to appoint two Gate-keepers, one for each side of the Senate Chamber, at a per diem hereafter to be fixed by the Senate.

Laid on the table.

By Mr. Enos:

Resolved, That the Secretary of State be and he is hereby requested to place upon the desk of each Senator a copy of the statutes of eighteen hundred and seventy-seven-eight.

Laid on the table.

By Mr. Pardee:

Resolved, That the Sergeant-at-Arms be directed to furnish each member of the Senate with five daily papers published in the State, or their equivalent in weeklies.

Laid on the table.

By Mr. Cheney:

Resolved, That J. W. Johnston be and he hereby is appointed Mail Carrier of the Senate, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Laid on the table.

The President of the Senate now appointed the Committee on Rules, as follows: Messrs. Sears, Johnson, Dickinson, Watson, and Satterwhite.

Mr. Dickinson offered a resolution, as follows:

Resolved, That B. Cavanaugh be and he hereby is appointed Night Watchman, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Laid over one day.

Also, a concurrent resolution, as follows:

Resolved by the Senate, the Assembly concurring, That a joint committee of six, three from the Senate and three from the Assembly, be appointed to make all necessary arrangements, and to expend such sum of money as they shall deem necessary, for the proper inauguration of the Governor elect.

Laid over one day.

By Mr. Johnson:

Resolved, That the Senate will complete its organization by the election of a Chaplain.

Mr. Enos offered an amendment, as follows:

Resolved, That the Senate hereby invites any and all clergymen of Sacramento to attend the opening of the Senate each day, without pay.

On motion of Mr. Sears, the resolution and amendment were laid over for one day.

RECESS.

At one o'clock and fifty minutes P. M., on motion of Mr. Johnson, the Senate took a recess until two o'clock and thirty minutes P. M.

RE-ASSEMBLED.

At two o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 6th, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly, this day, adopted Assembly Concurrent Resolution No. 1—Relative to a Joint Convention to canvass the vote for Governor and Lieutenant-Governor.

Also, Assembly Concurrent Resolution No. 2—Relative to time of inauguration of Governor.

Also, Assembly Concurrent Resolution No. 3—Relative to appointing a committee to wait on the Governor, and inform him of the organization of the Legislature.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 1, and Assembly Concurrent Resolution No. 2, and Assembly Concurrent Resolution No. 3, above reported, were taken up, and each concurred in.

The officers elect of the Senate, who had not previously taken the oath of office, now came forward and took the oath, administered by President Johnson, and subscribed to the same.

The President appointed Messrs. Dickinson, Johnston, and Satterwhite the Senate Committee on Inauguration.

GOVERNOR'S MESSAGE.

A message was received from the Governor, which, with other matters, contained certain appointments by his Excellency (see Senate Appendix).

On motion of Mr. Johnson, the consideration of the Governor's appointments was made the special order for Thursday next, at two o'clock P. M.

On motion of Mr. Brown, the rules were suspended, and two thousand copies of the Governor's message were ordered printed.

INTRODUCTION OF BILLS.

The following bills were introduced by leave:

By Mr. Johnson—An Act to compel the retraction of false and defamatory articles in newspapers and serial publications.

Read first time.

Also, an Act to prevent the accumulation of large landed estates.

Read first time.

Also, an Act to provide for the purchase of a Governor's mansion.

Read first time.

By Mr. Enos—An Act for the trial of offenses upon information.

Read first time.

MOTION.

Mr. Watson moved that a committee of three be appointed to determine the amount due to the temporary officers.

The motion prevailed, and Messrs. Watson, West, and Pardee were appointed on such committee.

ADJOURNMENT.

At two o'clock and thirty-five minutes P. M., on motion of Mr. Dickinson, the Senate adjourned until eleven o'clock A. M. to-morrow.

IN SENATE.

SENATE CHAMBER,

Wednesday, January 7th, 1880. }

The Senate met pursuant to adjournment.

The President of the last Senate in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of yesterday's Journal, on motion of Mr. Brown, further reading of the same was dispensed with, and approved.

Mr. Johnston asked to be excused from serving on the Committee on Inauguration Ceremonies, giving as a reason that he would not be able to be present.

The Senate refused to excuse Mr. Johnston from the committee. Subsequently Mr. Johnston renewed his request, which the Senate consented to, and Mr. G. L. Johnson was appointed in his place.

ASSEMBLY MESSAGE.

The following message was received from the Assembly on yesterday:

ASSEMBLY CHAMBER, SACRAMENTO, January 6th, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly has completed its organization by the election of the following officers, viz.: Speaker, Hon. J. F. Cowdery; Speaker pro tem., Hon. T. Fraser; Chief Clerk, C. E. Gunn; Assistant Clerk, J. G. Howell; Assistant Clerk, J. M. Wright; Sergeant-at-Arms, R. W. Parker; Assistant Sergeant-at-Arms, A. F. Jewett; Minute Clerk, F. N. Pauly; Journal Clerk, Theodore Gray; Enrolling Clerk, W. E. Reed; Engrossing Clerk, T. H. McCarthy; Postmistress, Mrs. M. A. Hotelling; and awaits the pleasure of the Senate in legislative business.

E. L. CRAWFORD, Acting Clerk.

On motion of Mr. Johnson, certain resolutions, laid on the table yesterday, were taken up.

By Mr. Cheney:

Resolved, That P. A. Bell be and he hereby is appointed Watchman, to have charge of the gallery, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

Also:

Resolved, That J. W. Johnston be and he hereby is appointed Mail Carrier of the Senate, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

On motion of Mr. Johnson, the per diem was fixed at three dollars, when the resolution was adopted as amended.

By Mr. Dickinson:

Resolved, That B. Cavanaugh be and he hereby is appointed Night Watchman, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

On motion of Mr. Johnson, the per diem was fixed at four dollars per day, when the resolution, as amended, was adopted.

Mr. Enos offered the following resolution:

Resolved, That the Secretary be empowered to order such printing as may be necessary for the business of the Senate.

Adopted.

Also:

Resolved, That the President be and he is hereby authorized to appoint a Page, whose duty it shall be to attend upon the desk of the President: said Page to be paid the sum of three dollars per diem, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Pardee:

Resolved, That the Sergeant-at-Arms be directed to furnish each member of the Senate with five daily papers published in the State, or their equivalent in weeklies.

Lost.

By Mr. Kane:

Resolved, That the stationery, stamps, and newspapers, which the members of the Senate may receive, shall be charged to them, the Senators, and that the same shall not exceed the sum of twenty-five dollars.

Laid on the table.

The following resolution was introduced by Mr. Enos:

Resolved, That August Rose is hereby appointed Paper-folder of the Senate, at a per diem of three dollars, payable out of the appropriation for the contingent expenses of the Senate.

On motion of Mr. Baker, indefinitely postponed.

Mr. Dickinson moved that a message be sent to the Assembly, to inquire of that body if they were in readiness to meet the Senate, in Joint Convention, at twelve o'clock M.

Carried.

Mr. Watson, Chairman of Committee on Pay of Temporary Officers, submitted a report which, on motion of Mr. Johnson, was recommitted to the committee, to amend in reference to the amount due the President, and otherwise.

The Chief Clerk of the Assembly was announced, and stated that he was instructed to inform the Senate that the Assembly was in readiness to receive the Senate in Joint Assembly.

At twelve o'clock the Senate proceeded to meet the Assembly in Joint Assembly, for the purpose of opening and declaring the votes for Governor and Lieutenant-Governor.

IN JOINT ASSEMBLY.

Proceedings in Joint Assembly to open, canvass, and declare the returns of the last general election for Governor and Lieutenant-Governor:

The Joint Assembly was called to order by the Honorable James A. Johnson, President of the Senate, and by the Honorable J. F. Cowdery, the Speaker of the Assembly.

The roll of the Senate was called by the Secretary, and the roll of the Assembly was called by the Chief Clerk, and the following named Senators and Assemblymen were present:

SENATE ROLL-CALL.

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—39.

ASSEMBLY ROLL-CALL.

Messrs. Adams, Anthony, Bass, Bennett, Braunhart, Brooks, Brown of Sonoma, Brown of Yuba, Bruner, Brusie, Burns, Cameron, Carr of Sacramento, Carr of Yuba, Chamberlain, Chandler, Coffman, Coleman, Cook, Cooper, Cuthbert, Del Valle, Diamond, Downs, DuBautz, Durham, Estee, Felton, Finlayson, Fox, Fraser, Frink, Garibaldi, Gailley, Gorley, Green, Hardy, Harris, Hershey, Hynes, Josselyn, Lane, Leach, Leadbetter, Lavee, Maguire, Mathews, May, Maybell, McCallion, McCarthy of Lake, McCarthy of San Francisco, McComas, McDade, McIntosh, Merry, Messenger, Morse, Mulholland, Nelson, Pickett, Sayle, Simon, Sherburne, Spencer, Stoddard, Streeter, Sweetland, Tyler, Walker, Ward, Wason of Ventura, Wason of Mono, Watson, York, Young, and Mr. Speaker—79.

Quorum present.

The Secretary of the Senate now read the concurrent resolution under which the Joint Assembly convened, as follows:

Resolved by the Assembly, the Senate concurring. That both Houses meet in Joint Assembly on Wednesday, January seventh, eighteen hundred and eighty, at twelve o'clock m., in the Assembly Chamber, for the purpose of opening, canvassing, and publishing the vote of the election for Governor and Lieutenant-Governor, held on the third day of September, eighteen hundred and seventy-nine.

The President of the Senate appointed as tellers on the part of the Senate, Messrs. Satterwhite and Conger.

The Speaker appointed as tellers on the part of the Assembly, Messrs. Fox and McCarty.

The tellers found that the canvass of the vote cast at the last general election, held on the third day of September, eighteen hundred and seventy-nine, for Governor, was as follows, and the Speaker so announced:

FOR GOVERNOR.

George C. Perkins.....	67,966
Hugh J. Glenn.....	47,665
William F. White.....	44,482
A. G. Clark, and scattering.....	117
Total number of votes cast for Governor.....	160,230

Whereupon the Speaker declared the result, as certified by the Secretary of State and the tellers of the Convention, that George C. Perkins, having received a plurality of all the votes cast, was duly elected Governor of the State of California, according to the Constitution and laws of the State.

FOR LIEUTENANT-GOVERNOR.

John Mansfield.....	67,294
D. C. Reed.....	19,933
Levi Chase.....	31,226
W. R. Andrus.....	42,410
George Bramhall.....	73
Scattering.....	5
Whole number of votes cast for Lieutenant-Governor.....	160,931

Whereupon the Speaker declared that John Mansfield, having received a plurality of all the votes cast at said general election, was duly elected Lieutenant-Governor for the State of California, according to the Constitution and laws of the State.

On motion, Joint Assembly took a recess until eleven o'clock and forty-five minutes A. M. on Thursday, the eighth instant.

RE-ASSEMBLED.

At one o'clock and ten minutes P. M., the Senate re-assembled.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harland, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

INTRODUCTION OF BILLS.

Bills were introduced by leave, as follows:

By Mr. Baker—An Act to provide for the improvement of Normal School Square, in the City of San José.

Read first time, and ordered on the general file.

By Mr. Kane—An Act to prohibit the employment of Chinese by corporations, and to add a new section to the Penal Code.

Read first time, and referred to the Judiciary Committee, when appointed.

MOTION.

Mr. Johnson moved that the Sergeant-at-Arms be instructed to make necessary provisions to have the fires kept up in the basement, night and day, in order to heat the Senate Chamber.

It was so ordered.

ADJOURNMENT.

At one o'clock and fifteen minutes P. M., on motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 8th, 1880. }

The Senate met pursuant to adjournment.

The President of the last Senate in the chair.

The roll of the Senate was called, and the following Senators answered to their names as being present:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of yesterday's Journal, on motion of Mr. Brown, further reading was dispensed with, and the same approved.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 8th, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly has concurred in Senate Concurrent Resolution No. 1—Relative to the appointment of a Joint Committee, to confer with the Governor and Lieutenant-Governor elect, concerning time for inauguration ceremonies, and that the Speaker has appointed, on the part of the Assembly, Messrs. Brown, Sweetland, and Ward.

Also, that on the seventh day of January, eighteen hundred and eighty, the Assembly adopted Assembly Concurrent Resolution No. 4—Relative to the appointment of John F. Swift as United States Minister to China.

J. M. WRIGHT, Assistant Clerk.

[Mr. Brown in the chair.]

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 4, above reported, was taken up.

Mr. Moreland offered a substitute for the resolution, as follows:

WHEREAS, We have learned that there is to be appointed a Minister of the United States to the Empire of China, in place of George F. Seward, present incumbent; and, whereas, the people of this State are most deeply interested in the sentiments and views of the person to be appointed as such Minister, and from their geographical position believe their wishes ought to be respected by the appointing power in the selection of such Minister; therefore, be it

Resolved by the Assembly, the Senate concurring, That we earnestly recommend the appointment of a representative citizen of California, whose views are well known and pronounced in opposition to Chinese immigration.

Resolved, That a copy of this resolution be transmitted by telegraph to our Senators and Representatives in Congress by the Secretary of State.

The Senate refused to adopt the substitute.

On the adoption of the original resolution the ayes and noes were demanded by the requisite number, and it was adopted by a vote as follows:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Hodson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Traylor, Watson, Wendell, West, and Zuck—32.

NOES—Messrs. Glascock, Kane, and Nelson—3.

Mr. Johnson offered the following resolution:

Resolved, That we extend our sympathy to the people of Ireland, in this the time of their great distress, when famine and fever are threatening destruction to those of the friends and relatives of a large portion of our citizens.

Resolved, That we sympathize with them in their efforts to cast off the yoke of the iniquitous feudal land system—the herloom of by-gone tyrannical days—which, while centralizing power in the hands of a few, reduces to servitude the many.

On motion of Mr. Baker, the resolution was referred to the Committee on Federal Relations, when appointed.

Mr. Enos offered the following resolution:

Resolved, That the Sergeant at-Arms be authorized to receive from the Controller the warrants due the officers and members of the Senate, and receipt therefor.

Adopted.

By Mr. Neumann:

Resolved, That the action of the Senate upon the nominations submitted by the Governor be made the special order of the day for Tuesday, January thirteenth, eighteen hundred and eighty, at eleven o'clock and thirty minutes A. M. of that day.

Adopted.

Mr. Enos offered the following resolution:

Resolved, That August Rose be and he is hereby appointed Post-office Page of the Senate at a per diem of three dollars, payable out of the appropriation for the contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses, when appointed.

By Mr. Davis:

Resolved, That the Sergeant-at-Arms be empowered to employ a Clerk for his office at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses, when appointed.
By Mr. Wendell:

Resolved, That Newton Benedict, temporary Minute Clerk, be employed at the desk until such time as otherwise ordered by the Senate, at the same per diem allowed the Minute Clerk.

Referred, on motion of Mr. Johnson, to Committee on Contingent Expenses.

RECESS.

At eleven o'clock and twenty minutes A. M., on motion of Mr. Davis, the Senate took a recess until eleven o'clock and forty minutes A. M.

RE-ASSEMBLED.

At eleven o'clock and forty minutes A. M. the Senate re-assembled.
[Mr. Brown in the chair.]

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Chief Clerk of the Assembly was announced, and stated that he was instructed to inform the Senate that the Assembly was in readiness to receive the Senate in Joint Assembly.

At eleven o'clock and forty-five minutes A. M. the Senate proceeded to meet the Assembly in Joint Assembly, for the purpose of inaugurating the Governor and Lieutenant-Governor elect.

IN JOINT ASSEMBLY.

Thursday, January eighth, at eleven o'clock and forty-five minutes A. M., the Joint Assembly met pursuant to adjournment, in the Assembly Chamber, and was called to order by Senator Brown, in conjunction with Mr. Fraser, the Speaker pro tem. of the Assembly.

The rolls of the Senate and Assembly were called by the Secretary

of the Senate and Chief Clerk of the Assembly, and the following Senators and Assemblymen answered as being present:

SENATE ROLL-CALL.

• Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hutnell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Traylor, Watson, Wendell, West, and Zuck—37.

ASSEMBLY ROLL-CALL.

Messrs. Adams, Anthony, Bass, Bennett, Brainhart, Brooks, Brown of Sonoma, Bruner, Brusie, Burns, Cameron, Carr of Sacramento, Carr of Yuba, Christensen, Charlier, Coleman, Coleman, Cook, Conner, Del Valle, Diamond, Downs, Dubautz, Durham, Estes, Felton, Finlayson, Fox, Fraser, Frank, Garibaldi, Gaffey, Green, Hartly, Harris, Hensley, Hynes, Josselyn, Lane, Leach, Leadbetter, Levese, McGuire, Matthews, May, Maybelle, McCallum, McCarthy of Lake, McCarthy of San Francisco, McCamas, McQuade, McIntosh, Merry, Messenger, Morse, Mulholland, Nelson, Pickert, Sayle, Simon, Soderbom, Speaker, Stedert, Streeter, Walker, Wasson of Ventura, Wasson of Mono, Watson, York, Young, and Mr. Speaker—71.

Quorum present.

The proceedings of the Joint Assembly of yesterday were read and approved.

President Johnson and Speaker Cowdery in the chair.

The Joint Committee on inauguration ceremonies presented at the bar of the Joint Assembly, George C. Perkins, Governor elect, and John Mansfield, Lieutenant-Governor elect, and announced that they were in readiness to take the oath of office.

The oath of office was now administered by Judge S. C. Denson, to the Governor and Lieutenant-Governor elect, who subscribed to the same, as follows:

OATH OF OFFICE OF THE GOVERNOR.

I do solemnly swear that I will support the Constitution of the United States, and of the State of California, and that I will faithfully discharge the duties of the office of Governor of the State of California according to the best of my ability. So help me God.

GEO. C. PERKINS.

OATH OF OFFICE OF THE LIEUTENANT-GOVERNOR.

I do solemnly swear that I will support the Constitution of the United States, and of the State of California, and that I will faithfully discharge the duties of the office of Lieutenant-Governor of the State of California according to the best of my ability. So help me God.

JNO. MANSFIELD.

Upon invitation of the presiding officer, the Reverend Mr. Dwi-nell now offered a prayer.

The retiring Governor, the Honorable William Irwin, now introduced Governor Perkins, who delivered his inaugural message as follows: [For message of the Governor see Senate Appendix.]

The minutes of the Joint Assembly were read and approved.

On motion of Senator Baker, the Joint Assembly adjourned sine die.

RE-ASSEMBLED.

At two o'clock and thirty minutes the Senate re-assembled.

President Johnson in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hutnell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson moved that a committee of three be appointed to wait upon Lieutenant-Governor Mansfield, and conduct him to the chair.

The motion prevailed.

The Chair appointed as such committee Messrs. Johnson, Enos, and Neumann.

Mr. Johnson, the retiring President, now introduced Lieutenant-Governor Mansfield, and said :

SENATORS: For four days I have labored ardently to get down and out, and to and in bringing up and in my worthy successor. The labor has been finally accomplished. Every thing has been done that the law requires to be done to let me out of office and to let Governor Mansfield into the place. It only remains for me to introduce to you, which I do with great pleasure, your Lieutenant-Governor, John Mansfield.

Upon assuming the chair, President Mansfield spoke as follows :

In assuming the duties of the chair, as presiding officer of the Senate, with my limited experience in parliamentary practice, I beg the indulgence of Senators for any erroneous or irregular rulings I may make, assuring the Senate that it is my intention and purpose, on all occasions, to treat every Senator with fairness, justice, and entire impartiality. I need not remind the Senate of the importance of its first session under the new Constitution, nor of the many questions of magnitude that will come before you for your consideration, and that it is to the Legislature the people are looking for their prompt and satisfactory solution. All efforts in this direction will receive my hearty cooperation. I trust that due diligence will mark your deliberations, and that by mutual concessions and forbearance our relations may be pleasant and harmonious, and our labors result in such wise and judicious legislation as will not only receive executive sanction, but the indorsement of the people of this State as well.

Mr. Johnson made the following motion :

I desire to move, and I trust some gentleman from the opposition will second, and I have no doubt that the motion will receive the support of every Senator present, to return the thanks of this Senate to the Honorable James A. Johnson, for the able, impartial, faithful, and kindly manner in which he has presided over our deliberations so far. He needs no eulogium at my hands; his conduct speaks for itself in more eloquent language than I can command.

The motion was seconded by Messrs. Satterwhite and Brown.

The motion prevailed unanimously, each Senator rising to his feet.

INTRODUCTION OF BILLS.

Mr. Johnson, by leave, introduced a bill to be numbered as follows: Senate Bill No. 7—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read first time, and placed on the General File.

Mr. Chase moved a suspension of the rules, and that five thousand copies of Governor Perkins' inaugural message be printed.

Carried.

Mr. Watson submitted a report, as follows:

MR. PRESIDENT: Your committee, to whom was committed the matter of ascertaining the sums due to the temporary officers, for mileage and per diem, for services rendered in the organization of the present Senate, report as follows:

To Lieutenant-Governor Johnson, President, mileage	\$14 40	
To Lieutenant-Governor Johnson, President, per diem	40 00	
		\$54 40
To R. Shoemaker, Secretary, mileage	\$12 60	
To R. Shoemaker, Secretary, per diem	24 00	
		36 60

To Newton Benedict, Minute Clerk, mileage	\$13 65	
To Newton Benedict, Minute Clerk, per diem	32 00	
		45 65
To T. J. Sherwood, Sergeant-at-Arms, mileage	\$7 80	
To T. J. Sherwood, Sergeant-at-Arms, per diem	24 00	
		31 80
To T. A. Talbert, Assistant Sergeant-at-Arms, per diem, for four days	6 00	
To James Saultry, Front Gate-keeper, per diem, for four days	4 00	
To Mr. Newton, North Gate-keeper, per diem, for four days	4 00	
To Edward Morris, South Gate-keeper, per diem, for four days	4 00	
To Edward Colter, Porter, per diem, for four days	4 00	
To Mr. Clock, Porter, per diem, for four days	4 00	
To B. W. Cavanaugh, Page, per diem, for four days	3 00	
To R. L. Levy, Page, per diem, for four days	3 00	
To Henry Deiner, Page, per diem, for four days	3 00	
To W. Crawford, Postmaster, per diem, for four days	3 00	
To A. M. Lawrence, Paper-folder, per diem, for four days	3 00	
To Wm. Singleton, Gallery Porter, per diem, for four days	4 00	
To H. Jones, Rear Porter, per diem, for four days	4 00	
To J. W. Johnston, Mail Carrier, per diem, for four days	3 00	

(Signed):

B. J. WATSON,
DR. PARDEE,
JOHN P. WEST.

Adopted.

Mr. Enos offered the following:

Resolved, That when the Senate adjourns it adjourns in honor and commemoration of the victory gained by the immortal hero, Andrew Jackson, and the American troops at the battle of New Orleans.

Adopted.

ADJOURNMENT.

At three o'clock, on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 9th, 1880. }

Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll of the Senate was called, and the following Senators answered to their names as being present:

Messes. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Huttell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

LEAVE OF ABSENCE.

On motion of Mr. Johnson, leave of absence was granted Senator Traylor.

The President of the Senate announced the following appointments:

Pages—Masters Henry Durner, Andrew Lawrence, Richard Levy, Percy Ross, and John Larkin.

Porters—Charles Collins, Edward Cotter, and Geo. B. Johnson.

GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.)
SACRAMENTO, CAL., January 9th, 1880. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have appointed Albert Hart as the Private Secretary to the Governor. All official communications which I shall have to make to your honorable body will be made through him.

GEO. C. PERKINS, Governor.

RESOLUTIONS.

Mr. Davis offered a resolution, as follows:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to retain for and deliver to I. S. Belcher, Thomas P. Stoney, and A. C. Freeman one copy each, of each bill introduced into the Senate at its present session.

On motion of Mr. Baker, the resolution was laid upon the table.

By Mr. Johnson:

Resolved, That the use of the Senate Chamber, and all adjoining rooms, be and the same are hereby given to the Committee of the Inauguration Ball for the evening of Tuesday, January thirteenth, eighteen hundred and eighty.

Adopted.

REPORT.

Mr. Sears, the Chairman of the Committee on Rules, submitted a report embodying the proposed new rules for the government of the Senate.

On motion of Mr. Sears, the usual number of copies were ordered printed.

RESOLUTIONS.

Mr. Johnson offered a resolution, as follows:

Resolved, That the Secretary of State be and he hereby is directed and requested to procure a clock to be placed near the desk of the President.

Adopted.

By Mr. Johnston:

Resolved, That it is the sense of this Senate that the reading of all bills the first and second times by title complies with the requirements of section fifteen, article four, of the Constitution.

On motion of Mr. Sears, the resolution was laid on the table.

On motion of Mr. Pardee, the report submitted by the Committee on Temporary Officers was re-committed to the committee to correct clerical errors.

The report was subsequently reported by Mr. Pardee, as follows:

MR. PRESIDENT: Your committee, to whom was re-committed the matter of ascertaining the sum due to the temporary officers for mileage and per diem for services rendered in the organization of the present Senate, report as follows, to be paid out of the appropriation for the contingent expenses of the Senate:

To Governor Johnson, Vice-President, mileage	\$14 40	
To Governor Johnson, Vice-President, per diem	40 00	
		\$54 40
To R. Shoemaker, Secretary, mileage	\$12 60	
To R. Shoemaker, Secretary, per diem	24 00	
		\$36 60
To Newton Benedict, Minute Clerk, mileage	\$13 65	
To Newton Benedict, Minute Clerk, per diem	32 00	
		\$45 65
To T. J. Sherwood, Sergeant-at-Arms, mileage	\$7 80	
To T. J. Sherwood, Sergeant-at-Arms, per diem	24 00	
		\$31 80
To T. A. Talbert, Assistant Sergeant-at-Arms, per diem	24 00	
To James Saultry, Front Gatekeeper	16 00	
To Mr. Newton, North Gatekeeper	16 00	
To Edward Morris, South Gatekeeper	16 00	
To Edward Colter, Porter	16 00	
To Mr. Clock, Porter	16 00	
To B. W. Cavanaugh, Page	12 00	
To R. L. Levy, Page	12 00	
To Henry Deiner, Page	12 00	
To W. Crawford, Postmaster	12 00	
To A. M. Lawrence, Paper-folder	12 00	
To Wm. Singleton, Gallery Porter	16 00	
To H. Jones, Rear Porter	16 00	
To J. W. Johnston, Mail Carrier	12 00	

B. J. WATSON,
DR. PARDEE,
JOHN P. WEST.

Adopted as amended.

IN MEMORIAM.

Mr. Chase rose to a question of privilege, and announced the death of the Hon. Eugene Fawcett, a member of the late Constitutional Convention, and a Superior Judge of Santa Barbara County, and moved that when the Senate adjourn it do so out of respect to his memory.

It was so ordered.

Mr. Baker offered a concurrent resolution in reference to section nineteen of article twenty of the Constitution, proposing an amendment thereto, to be known as Constitutional Amendment No. 1, and that said amendment be submitted to the people of the State of California at the election to be held on the first Monday in November, eighteen hundred and eighty, etc.

Read first time.

Mr. Satterwhite moved to refer to the Judiciary Committee, when appointed.

Mr. West moved to amend the motion, to refer to the author, with special instructions to correct as to matters of fact.

Mr. Nye offered an amendment to the amendment, to strike out all the preamble.

Mr. West accepted Mr. Nye's amendment.

The original motion, to refer to the Judiciary Committee, was put and carried.

INTRODUCTION OF BILLS.

Bills were introduced, to be numbered as follows:

By Mr. Baker: Senate Bill No. 8—An Act to amend section one thousand five hundred and ninety of the Penal Code.

Read first time, and referred to Committee on State Prison.

By Mr. Enos: Senate Bill No. 9—An Act to limit and fix the rates and price of gas in all cities within the State of California having a population of one hundred thousand or more.

Read first time, and referred to Committee on Corporations.

By Mr. Gorman: Senate Bill No. 10—An Act to regulate the salaries of officers in cities and cities and counties containing one hundred thousand and upwards.

Read first time, and referred to Committee on City and Town Governments.

By Mr. Moreland: Senate Bill No. 11—An Act providing for the appointment of a Board of Prison Directors, to define their duties, and to provide for the management of the State Prison.

Read first time, and referred to Committee on State Prison.

By Mr. Enos: Senate Bill No. 12—An Act to authorize the election of women to school offices.

Read first time, and referred to Committee on Education.

By Mr. Johnson: Senate Bill No. 13—An Act for the relief of John Hoagland.

Also: Senate Bill No. 14—An Act for the relief of James Reid.

Also: Senate Bill No. 15—An Act for the relief of William B. Todhunter.

Also: Senate Bill No. 16—An Act for the relief of Mrs. Mary W. G. Vanarsdale.

Also: Senate Bill No. 17—An Act for the relief of George Cooper.

Also: Senate Bill No. 18—An Act for the relief of Mrs. Rebecca C. Hoagland.

The above bills were each read first time and referred to Committee on Claims.

By Mr. Chase: Senate Bill No. 19—An Act relating to foreclosure of mortgages.

By Mr. Kane: Senate Bill No. 20—An Act to protect the business rights of the citizens of this State.

By Mr. Watson: Senate Bill No. 21—An Act to amend section four thousand two hundred and four of the Political Code.

By Mr. Enos: Senate Bill No. 22—An Act prohibiting savings banks, or savings and loan societies, and the attorneys, counselors, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to such banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies.

By Mr. Nye: Senate Bill No. 23—An Act to amend sections eighty-five, eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen, of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments.

Also: Senate Bill No. 24—An Act to amend sections six hundred and eighty-nine, one thousand and forty-two, one thousand four hundred and thirty, and one thousand four hundred and thirty-five, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury.

Also: Senate Bill No. 25—An Act to add a new section, to be known as six hundred and fifty-four (e), to an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments and declaring it to be a misdemeanor for any officer, agent, or employé of any railroad corporation or transportation company to demand or receive rates of fares or freights in excess of those established by the Railroad Commissioners, and prescribing the punishment thereof.

Also: Senate Bill No. 26—An Act to add a new section to be known as section six hundred and fifty-four (a), to an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments, and declaring it to be a misdemeanor for any railroad corporation or transportation company to fail or refuse to conform to the rates of charges for the transportation of passengers or freight established by the Railroad Commissioners, or to charge rates in excess thereof, and prescribing the punishment thereof.

Also: Senate Bill No. 27—An Act to add a new section, to be known as section six hundred and fifty-six (b), to an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, on the subject of crimes and punishments, and declaring it to be a misdemeanor for any railroad corporation or transportation company to fail to keep its accounts in accordance with the system prescribed by the Railroad Commissioners, and prescribing the punishment thereof.

Also: Senate Bill No. 28—An Act to repeal section four thousand three hundred and twenty-nine of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, regulating the salaries of County Judges.

Also: Senate Bill No. 29—An Act to repeal sections four hundred and ninety-nine and six hundred and eighty-four of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the salaries and compensation of public officers.

Also: Senate Bill No. 30—An Act to amend sections three hundred and thirty-two, three hundred and forty-three, three hundred and fifty-two, three hundred and sixty-seven, three hundred and eighty-four, three hundred and eighty-six, three hundred and ninety-six, three hundred and ninety-seven, four hundred and eight, four hundred and ten, four hundred and seventeen, four hundred and nineteen, four hundred and twenty, four hundred and twenty-two, four hundred and thirty-eight, four hundred and forty, four hundred and forty-one, four hundred and fifty-five, four hundred and fifty-six, four hundred and seventy-one, four hundred and seventy-two, four hundred and eighty-four, four hundred and eighty-six, five hundred, five hundred and twenty-eight, seven hundred and thirty-seven, seven hundred and thirty-eight, seven hundred and thirty-nine, seven hundred and forty-nine, seven hundred and sixty-seven, eight hundred and forty-one, eight hundred and fifty-two, eight hundred and fifty-three, nine hundred and ninety-six, three thousand seven hundred, four thousand and twenty-six, four thousand one hundred and three, four thousand one hundred and nine, four thousand one hundred and ten, four thousand one hundred and twelve, four thousand one hundred and fifteen, four thousand one hundred and sixteen, four thousand one hundred and nineteen, four thousand one hundred and

seventy-six, four thousand two hundred and four, four thousand two hundred and fifty-six, and four thousand three hundred and twenty-eight, and to repeal sections four hundred and fifteen, four hundred and twenty-one, four hundred and ninety-nine, five hundred and fifteen, and six hundred and eighty-four of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to public officers, their duties, and compensation.

Mr. Johnson raised objections to the consideration of all these bills, on the ground that they do not comply with section twenty-four of article five of the Constitution.

By Mr. Wendell: Senate Bill No. 31—An Act to amend sections one thousand three hundred and thirty-eight and one thousand three hundred and fifty-three of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, providing for the examination of witnesses.

Also: Senate Bill No. 32—An Act to amend sections seven hundred and twelve, seven hundred and twenty-eight, seven hundred and thirty-two, seven hundred and sixty, seven hundred and seventy-one, seven hundred and seventy-two, eight hundred and eighteen, eight hundred and twenty, eight hundred and fifty, eight hundred and ninety, nine hundred and thirty, one thousand one hundred and ninety-seven, one thousand three hundred and thirty, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand five hundred and fifteen, one thousand five hundred and sixteen, and one thousand five hundred and fifty-six of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, providing for certain proceedings before the Supreme Court, or the Judges thereof, in place of the Courts established by the new Constitution, or their Judges.

Also: Senate Bill No. 33—An Act to add a new section, to be known as section ninety, to an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the crime of lobbying.

Also: Senate Bill No. 34—An Act to amend sections eight hundred and seventy-two, eight hundred and seventy-five, and to repeal section eight hundred and seventy-four, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to commitments of persons charged with crimes.

Also: Senate Bill No. 35—An Act to amend section one thousand and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to prosecutions of Judges of Superior Courts.

Also: Senate Bill No. 36—An Act to repeal sections ten hundred and twenty-eight (1028), ten hundred and thirty (1030), eleven hundred and twelve (1112), and eleven hundred and forty-three (1143), of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to judicial proceedings in criminal cases.

Also: Senate Bill No. 37—An Act to amend section eight hundred and eight of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, declaring who are magistrates.

Also: Senate Bill No. 38—An Act to amend sections one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to forfeiture of bail, or money deposited in lieu of bail.

Also: Senate Bill No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-two, eight hundred, eight hundred and one, eight hundred and two, eight hundred and six, eight hundred and eighty-eight, nine hundred and forty-nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, nine hundred and fifty-five, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and fifty-nine, nine hundred and sixty, nine hundred and sixty-one, nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, nine hundred and sixty-eight, nine hundred and sixty-nine, nine hundred and seventy, nine hundred and seventy-one, nine hundred and seventy-two, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and eighty-one, nine hundred and eighty-two, nine hundred and eighty-five, nine hundred and eighty-eight, nine hundred and eighty-nine, nine hundred and ninety, nine hundred and ninety-five, nine hundred and ninety-six, nine hundred and ninety-seven, nine hundred and ninety-eight, nine hundred and ninety-nine, one thousand and four, one thousand and five, one thousand and eight, one thousand and nine, one thousand and twelve, one thousand and sixteen, one thousand and seventeen, one thousand and eighteen, one thousand and nineteen, one thousand and twenty-one, one thousand and twenty-two, one thousand and one hundred and twenty-three, one thousand and twenty-four, one thousand and twenty-five, one thousand and thirty-three, one thousand and forty-three, one thousand and forty-seven, one thousand and forty-eight, one thousand and fifty-two, one thousand and sixty-five, one thousand and seventy-four, one thousand and ninety-three, one thousand and ninety-five, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand and three, one thousand one hundred and four, one thousand one hundred and thirteen, one thousand one hundred and fourteen, one thousand one hundred and fifteen, one thousand one hundred and seventeen, one thousand one hundred and twenty-one, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, one thousand one hundred and thirty-one, one thousand one hundred and forty-one, one thousand one hundred and forty-eight, one thousand one hundred and fifty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and fifty-eight, one thousand one hundred and fifty-nine, one thousand one hundred and sixty, one thousand one hundred and sixty-five, one thousand one hundred and seventy, one thousand one hundred and eighty-one, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand two hundred, one thousand two hundred and seven, one thousand two hundred and thirty-eight, one thousand two hundred and seventy-

three, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-seven, one thousand eight hundred and eighty-nine, one thousand three hundred and ten, one thousand three hundred and twenty-six, one thousand three hundred and thirty-five, one thousand three hundred and forty-six, one thousand three hundred and forty-nine, one thousand three hundred and fifty-four, one thousand three hundred and fifty-eight, one thousand three hundred and sixty-eight, one thousand three hundred and seventy, one thousand three hundred and seventy-three, one thousand three hundred and eighty-two, one thousand three hundred and eighty-three, one thousand three hundred and ninety-five, one thousand three hundred and ninety-six, one thousand four hundred and one, one thousand four hundred and twenty-nine, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and to add a new section thereto, to be known as eight hundred and nine, to provide for prosecutions, and to adapt the provisions of said Code thereto.

Each of the above bills were read first time, and referred to Judiciary Committee.

By Mr. Davis: Senate Bill No. 40—An Act to repeal an Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five.

Also: Senate Bill No. 41—An Act to amend section one thousand five hundred and three, and to repeal section one thousand four hundred and ninety-four.

Also: Senate Bill No. 42—An Act to amend sections one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-five, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-two, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-five, one thousand seven hundred and ninety-one, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-four, one thousand eight hundred and seventy-five, and to repeal sections one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hun-

dred and ninety, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight, one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, one thousand eight hundred and seventy-two, one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, one thousand seven hundred and forty-six, one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, one thousand seven hundred and fifty-two, one thousand seven hundred and fifty-three, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the public schools.

Each of the above bills were read first time, and referred to Committee on Education.

By Mr. Nye: Senate Bill No. 43—An Act to amend section one thousand one hundred and eighty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the liens of mechanics and others upon real property.

By Mr. Kane: Senate Bill No. 44—An Act to distinguish the kinds of labor employed in the manufacture of goods.

By Mr. Enos: Senate Bill No. 45—An Act to repeal an Act entitled an Act to amend the Penal Code, approved January nineteenth, eighteen hundred and seventy-

Also: Senate Bill No. 46—An Act relative to testimony and evidence in criminal cases.

Also: Senate Bill No. 47—An Act to secure to all persons freedom in the selection of an occupation, profession, or employment.

Also: Senate Bill No. 48—An Act to prohibit and abolish the fee system.

Also: Senate Bill No. 49—An Act to punish bribery.

By Mr. Gorman: Senate Bill No. 50—An Act relating to trade marks filed in the office of the Secretary of State.

Each of the above bills were read first time, and referred to Judiciary Committee,

By Mr. Enos (by request): Senate Bill No. 51—To repeal an Act entitled "An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose," approved March twenty-seventh, eighteen hundred and seventy-eight.

Read first time, and referred to San Francisco delegation.

Also: Senate Bill No. 52—An Act to repeal an Act entitled "An

Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose," approved March twenty-seventh, eighteen hundred and seventy-eight.

Read first time and referred to Judiciary Committee.

GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, CAL., January 9th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body of the appointment of Samuel W. Backus as Adjutant-General, vice P. F. Walsh, and respectfully ask that the appointment be confirmed.

GEO. C. PERKINS, Governor.

On motion of Mr. Johnson, the Senate was considered as in executive session, for the purpose of considering the Governor's appointment.

Upon the question: "Will the Senate advise and consent to the appointment of Samuel W. Backus as Adjutant-General, vice P. F. Walsh?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—36.

NOES—None.

Whereupon the President of the Senate announced the appointment of Samuel W. Backus as Adjutant-General duly confirmed.

IN SENATE.

Mr. Carlock offered a concurrent resolution in reference to heating the Senate and Assembly Chambers.

On motion of Mr. Johnson, the resolution was referred to a special committee of three, and the following were appointed as such committee: Messrs Johnson, Pardee and Rowell.

On motion of Mr. Enos, the resolution offered on the sixth instant in reference to a Chaplain, was taken from the table, as follows:

By Mr. Johnson:

Resolved, That the Senate will complete its organization by the election of a Chaplain.

Mr. Enos offered an amendment, as follows:

Resolved, That the Senate hereby invites any and all clergymen of Sacramento to attend the opening of the Senate each day without pay.

Mr. Gorman moved to indefinitely postpone the whole matter.

Upon which the ayes and noes were demanded by Messrs. Johnson, Baker, and Gorman. The roll was called, with the following result:

AYES—Messrs. Burt, Brown, Chase, Davis, Dickinson, Glascock, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Neumann, Pardee, Pool, Ryan, and Satterwhite—19.

NOES—Messrs. Anderson, Baker, Carlock, Cheney, Conger, Enos, George, Hill, Johnson, Johnston, Lampson, Nelson, Nye, Rowell, Sears, Watson, Wendell, West, and Zuck—19.

A tie vote.

The President voted in the negative, and the motion to indefinitely postpone was lost.

Mr. Rowell offered a substitute, as follows:

Resolved, That the Reverend Alfred Higbee be hereby employed to act in the capacity of Chaplain of the Senate, and that he be allowed the sum of five dollars per day for his services.

Mr. Pardee moved to lay the whole subject-matter on the table.

Upon which the ayes and noes were demanded by Messrs. Johnson, Baker, and Kane, and it was so ordered, by the following vote:

AYES.—Messrs. Brown, Chase, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Neumann, Pardee, Pool, Ryan, and Satterwhite—20.

NOES.—Messrs. Anderson, Baker, Burt, Carlock, Cheney, George, Hill, Johnson, Johnston, Lampson, Nelson, Nye, Rowell, Sears, Watson, Wendell, West, and Zuck—18.

ADJOURNMENT.

At one o'clock and five minutes P. M., Mr. Satterwhite moved that the Senate adjourn until Monday, the twelfth instant, at two o'clock and thirty minutes P. M.

Mr. Chase offered an amendment that the Senate do now adjourn until Monday next, at eleven o'clock A. M.

Lost.

When the motion of Mr. Satterwhite was put and carried, and the President declared the Senate adjourned until Monday, the twelfth instant, at two o'clock and thirty minutes P. M.

IN SENATE.

SENATE CHAMBER,
Monday, January 12th, 1880. }

Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of the Journal of Friday last, on motion of Mr. Johnson, further reading was dispensed with, and the same approved.

GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January 12th, 1880. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed A. L. Rhodes, of Santa Clara, a Regent of the University of California, vice Casserly, resigned.

GEO. C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January 10th, 1880. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed William H. L. Barnes as Major-General of the National Guard, vice E. J. Lewis, resigned, and respectfully ask the advice and consent of the Senate to the same.

GEO. C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January 12th, 1880. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed W. F. McNutt of San Francisco, Wallace Everson of Alameda, Aug. C. Chapman of Butte, Jacob H. Neff of Placer, A. P. Whitney of Sonoma, as Prison Directors, and respectfully ask the advice and consent of the Senate to the same.

GEO. C. PERKINS, Governor.

CONSIDERATION OF GOVERNOR'S MESSAGES.

On motion of Mr. Johnson, the Senate was considered as in Executive Session, for the purpose of considering the appointments of the Governor in their order.

Upon the question, "Will the Senate advise and consent to the appointment of A. L. Rhodes as a Regent of the University of California, vice Casserly, resigned?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

Whereupon the President announced the appointment of A. L. Rhodes as a Regent of the University of California duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. H. L. Barnes as Major General of the National Guard, vice E. J. Lewis, resigned?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—None.

Whereupon the President announced the appointment of W. H. L. Barnes as Major General duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. F. McNutt as a State Prison Director?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—37.

NOES—None.

Whereupon the President announced the appointment of W. F. McNutt as a State Prison Director duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Wallace Everson as a State Prison Director?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

Whereupon the President announced the appointment of Wallace Everson as a State Prison Director duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Aug. C. Chapman as a State Prison Director?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

Whereupon the President announced the appointment of Aug. C. Chapman as a State Prison Director duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Jacob S. Neff as a State Prison Director?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

Whereupon the President announced the appointment of Jacob H. Neff as a State Prison Director duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of A. P. Whitney as a State Prison Director?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

MOTIONS.

Mr. Johnson moved that when the Senate adjourns to-day it adjourn until ten o'clock A. M. to-morrow.

Carried.

On motion of Mr. Satterwhite, the rules were suspended and the order of second reading of bills passed.

INTRODUCTION OF BILLS.

Bills were introduced, to be numbered as follows:

By Mr. Enos: Senate Bill No. 53—An Act providing for the estab-

lishment of a Board of Nautical Examiners for the Port of San Francisco, for the examination of masters and mates of sea-going sailing vessels owned in this State (pilot boats and pleasure yachts excepted), and for the issuance and revocation of certificates of competency and service.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Moreland: Senate Bill No. 54—An Act to provide for the organization of a Board of Railroad Transportation Commissioners.

Read first time, and referred to the Committee on Corporations.

By Mr. Zuck: Senate Bill No. 55—An Act fixing the compensation to members, officers and employes of the Legislature.

By Mr. Hittell: Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Ryan: Senate Bill No. 57—An Act in relation to the Currency of the United States.

Read first time, and referred to the Committee on Finance.

By Mr. Chase: Senate Bill No. 58—An Act to restrict and limit titles to real estate.

Read first time, and referred to the Committee on Agriculture.

By Mr. Hittell: Senate Bill No. 59—An Act to provide for removing officers of mining corporations by the shareholders holding a majority of the shares of stock thereof, and electing other officers.

Read first time, and referred to Committee on Corporations.

By Mr. Satterwhite: Senate Bill No. 60—An Act to establish a system of fees.

Also: Senate Bill No. 61—An Act to amend certain sections of the Political Code contained in chapters one, two, three, four, and five, part four, title two, and to add other sections thereto, and to establish a system of county governments.

Each of the above bills were read first time, and referred to Committee on County Governments.

By Mr. Johnson: Senate Bill No. 62—An Act to provide for the speedy completion of the Branch State Prison at Folsom.

Read first time, and referred to Committee on State Prison.

Also: Senate Bill No. 63—An Act for the relief of Henry Lienburger.

Also: Senate Bill No. 64—An Act for the relief of Green & Trainor.

Each of the above bills read first time, and referred to Committee on Claims.

By Mr. Kane: Senate Bill No. 65—An Act concerning the Board of State Harbor Commissioners.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Nelson: Senate Bill No. 66—An Act repealing section four hundred and twenty of the Penal Code, in reference to the inciting of riots, etc.

Read first time, and referred to Judiciary Committee.

By Mr. Enos: Senate Bill No. 67—An Act to establish and maintain technical schools in the State of California.

Read first time, and referred to Committee on Education.

Also: Senate Bill No. 68—An Act requiring elected officials to take and subscribe an oath as to certain things.

Read first time, and referred to Judiciary Committee.

By Mr. Brown: Senate Bill No. 69—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

Read first time, and referred to Finance Committee.

By Mr. Enos: Senate Bill No. 70—An Act to amend section eighteen hundred and eighty of the Code of Civil Procedure.

Read first time, and referred to Judiciary Committee.

By Mr. Kane: Senate Bill No. 71—An Act concerning police regulations in cities having a population of one hundred thousand or more.

Read first time, and referred to Committee on Corporations.

ASSEMBLY MESSAGE.

On motion of Mr. Dickinson the rules were suspended to take up, out of its order, the following message from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 12th, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly, on the tenth day of January, eighteen hundred and eighty, passed Assembly Bill No. 1, entitled "An Act to repeal an Act entitled an Act to authorize the City and County of San Francisco, to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose," approved March twenty-seventh, eighteen hundred and seventy-six.

WRIGHT, Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 1, above reported, read first time.

Mr. Enos moved to refer the bill to the San Francisco delegation.

Mr. Neumann offered an amendment to suspend the rules to place the bill on its second reading.

Upon which the ayes and noes were demanded by Messrs. Johnson, Brown, and Traylor.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Ganger, Davis, Dickinson, George, Harasz, Hessel, Hurlston, Johnson, Johnston, Lumpson, Neumann, Nye, Parlee, Rowell, Sears, Traylor, and Watson—23.

NOES—Messrs. Burt, Enos, Grimes, German, Hall, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, Wendell, West, and Zuck—16.

It requiring a two-third vote to suspend the rules, the motion was lost.

The motion to refer to the delegation, with an amendment offered by Mr. Sears, with special instructions to report to-morrow morning, prevailed.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Davis, the Senate adjourned: which, under a resolution previously adopted, made the adjournment to ten o'clock A. M., Tuesday, January thirteenth.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 13th, 1880. }

Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of the Journal of yesterday, on motion of Mr. Chase, further reading was dispensed with, and the same approved.

Mr. Johnson moved that that portion of the new Standing Rules, in reference to the appointment and order of Standing Committees, be adopted.

It was so ordered, and Rule Fifteen of the new rules, which will appear hereafter, was adopted.

REPORTS.

Mr. Enos, for the San Francisco delegation, submitted the following majority report:

SENATE CHAMBER, SACRAMENTO, January 13th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 1—"An Act to repeal an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved March second, eighteen hundred and seventy-six—have had the same under consideration, report back, and recommend its passage; and also report and recommend that the rules, and section fifteen, of article four, of the Constitution, be dispensed with, and the bill be read third time, and placed upon its final passage.

J. S. ENOS, Chairman.

Mr. Gorman submitted the following minority report:

SENATE CHAMBER, SACRAMENTO, January 13th, 1880.

MR. PRESIDENT: The undersigned, a minority of the San Francisco delegation, to whom was referred the bill entitled a bill to repeal the Rogers' Act, report that while we are in favor of a repeal of the said Act we are not in favor of a suspension of section fifteen, of article four, of the Constitution, which says: "Nor shall any bill become a law unless the same shall be read on three several days in each House, unless in case of urgency two-thirds of the House where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision."

J. C. GORMAN,
THOS. KANE,
MARTIN KELLY,
T. K. NELSON.

Consideration of Assembly Bill No. 1.

The bill above reported was read the second time.

Mr. Enos moved a suspension of the rules, and that the bill be placed on its third reading.

Mr. Sears offered an amendment, stating that in placing the bill on its third reading, under a suspension of the rules, the question

should be stated, "Will the Senate dispense with so much of paragraph fifteen, of article four, of the Constitution, as to permit the bill to be read a third time?"

The Chair stated the question to be on the motion as amended, on which the ayes and noes were demanded by the requisite number.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, and Traylor—22.

NOES—Messrs. Anderson, Burt, Chase, Glascock, Gorman, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, Watson, Wendell, West, and Zuck—17.

Failing to obtain the necessary two-third majority the motion was lost.

STANDING COMMITTEES OF THE SENATE.

The President appointed the following Standing Committees of the Senate.

- On Agriculture—Messrs. Johnston, Harlan, West, Langford, and Glascock.
- On Claims—Messrs. Traylor, Davis, Enos, Pool, and West.
- On Commerce and Navigation—Messrs. Dickinson, Traylor, Nye, George, and Ryan.
- On Contingent Expenses and Mileage—Messrs. Zuck, Carlock, George, Moreland, and Nelson.
- On Corporations—Messrs. Sears, Johnston, Traylor, Harlan, Kelly, West, and Pool.
- On County and Township Governments—Messrs. Wendell, Rowell, Zuck, Satterwhite, and West.
- On Education—Messrs. Davis, Watson, Hill, Baker, and Moreland.
- On Engrossed Bills—Messrs. Cheney, Carlock, Lampson, George, Nelson, and Glascock.
- On Enrolled Bills—Messrs. Hudson, Burt, Anderson, Chase, Kelly, and Gorman.
- On Federal Relations—Messrs. Baker, Cheney, Davis, Enos, and Satterwhite.
- On Finance—Messrs. Pardee, Johnson, Traylor, Carlock, Brown, Conger, and Ryan.
- On Hospitals—Messrs. Rowell, Lampson, Hudson, Anderson, and Gorman.
- On Judiciary—Messrs. Nye, Wendell, Hittell, Johnson, Davis, Dickinson, Satterwhite, Moreland, and Enos.
- On Military Affairs—Messrs. Dickinson, Pardee, Conger, Glascock, and Nelson.
- On Mines and Mining—Messrs. Neumann, Watson, Burt, Pool, and Ryan.
- On Public Buildings—Messrs. Baker, Hill, Hudson, Harlan, and Kelly.
- On Swamp and Overflowed Lands—Messrs. Johnston, Brown, Rowell, Cheney, and Langford.
- On Public Morals—Messrs. Burt, Chase, and Johnston.
- On Public Printing—Messrs. Hill, Rowell, and Gorman.
- On Roads and Highways—Messrs. Brown, Burt, Harlan, Langford, and Kane.
- On State Library—Messrs. Lampson, Hittell, and Johnson.
- On State Prisons—Messrs. Watson, Nye, Sears, Lampson, Moreland, Langford, and Kane.
- On Irrigation, Water Rights, and Drainage—Messrs. Johnson, Watson, Rowell, Neumann, Brown, Pool, and Satterwhite.
- On Fisheries and Game—Messrs. Carlock, Pardee, Wendell, Cheney, and Glascock.
- On Elections—Messrs. Neumann, Sears, Johnson, Zuck, Nelson, Ryan, and Anderson.
- On City and Town Governments—Messrs. Hittell, Dickinson, Pardee, Zuck, and Chase.

MOTIONS.

Mr. Johnston moved that the Committee on Education be increased from five to seven members.

Carried.

Mr. Johnson moved that an additional Standing Committee be appointed as a Committee on Chinese and Chinese Immigration, consisting of seven members.

Carried.

RESOLUTION.

Mr. Enos offered the following:

Resolved, That a committee of seven be appointed on "Labor and Capital."

Adopted.

On motion of Mr. Johnson, the proposed rules for the government of the Senate were now taken up for consideration, each rule to be acted on separately :

STANDING RULES OF THE SENATE.

1.

OPENING OF THE DAILY SESSIONS.

The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock and thirty minutes to one o'clock and thirty minutes P. M.

2.

CALLING TO ORDER—READING JOURNAL.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

3.

ELECTION OF PRESIDENT PRO TEM.—HIS POWERS AND PRIVILEGES.

A President pro tem. shall be elected, who shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

4.

ATTENDANCE, DUTIES, AND OBLIGATIONS OF SENATORS.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund: and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the State.

5.

ORDER OF BUSINESS.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Introduction, first reading, and reference of bills.
7. Second reading and engrossment of bills.
8. Motions, resolutions, and notices.
9. Business on the general file, and third reading of bills.
10. Unfinished business of the preceding day.
11. Special orders of the day.
12. Reports from the Committees on Enrollment and on Engrossment shall at all times be in order.

Provided, that messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

6.

READING, REFERENCE, AND PRINTING OF BILLS.

Every bill shall be read on three several days previous to its passage. When a bill is intro-

duced, it shall be read and referred to an appropriate committee and printed, which shall be the first reading of the bill. When a bill is reported back from a committee with amendments, or otherwise, it shall be considered in Committee of the Whole, and when the same is perfected to the satisfaction of the Senate it shall be read a second time, which shall be the second reading of the bill, and engrossed and printed. On the final passage of a bill it shall be read at length by sections, which shall be the third reading of the bill. On the final passage of a bill the roll of Senators shall be called, and the vote taken by yeas and nays, which shall be recorded in the Senate Journal, and no bill shall be declared passed unless a majority of the Senators elected vote for the passage of the same. The presiding officer of the Senate shall give notice at each reading, whether it be the first, second, or third reading of the bill.

7.

THE GENERAL FILE: ITS HOURS—SPECIAL ORDER OF BILLS ON FILE.

The general file shall be the special order for each day from one o'clock and thirty minutes until three o'clock p. m., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

8.

SECRETARY TO POST GENERAL FILE DAILY.

The Secretary shall post each morning, in a conspicuous place, and place upon the desk of each Senator, a list of all bills upon the general file, giving their order, and also setting forth their number, and so much of their title as necessary to enable Senators to understand their general purport.

9.

BILLS ENGROSSED TO BE EXAMINED AND REPORTED.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

10.

ENGROSSED BILLS HAVE PREFERENCE.

All bills, after the second reading (if the same be not committed, but if committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on the file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

11.

AMENDMENTS AND SUBSTITUTES.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

12.

AMENDMENTS AND SUBSTITUTES MUST BE GERMAIN.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

13.

LEAST SUM AND SHORTEST TIME IN FILLING BLANKS.

In filling up blanks, the least sum or number and the shortest time shall be put first.

14.

SHORT OF FINAL QUESTION, TWO-THIRDS VOTE NOT REQUISITE ON PROPOSITIONS TO AMEND CONSTITUTION.

When an amendment to the Constitution, or any bill, requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

15.

APPOINTMENT AND ORDER OF STANDING COMMITTEES.

The following Standing Committees shall be appointed:

1. Committee on Agriculture, to consist of five members.
2. Committee on Claims, to consist of five members.
3. Committee on Commerce and Navigation, to consist of five members.
4. Committee on Contingent Expenses and Mileage, to consist of five members.
5. Committee on Corporations, to consist of seven members.
6. Committee on Counties, County Governments and Township Organization, to consist of five members.

7. Committee on Education, to consist of five members.
8. Committee on Engrossed Bills, to consist of six members.
9. Committee on Enrolled Bills, to consist of six members.
10. Committee on Federal Relations, to consist of five members.
11. Committee on Finance, to consist of seven members.
12. Committee on Hospitals, to consist of five members.
13. Committee on Judiciary, to consist of nine members.
14. Committee on Military Affairs, to consist of five members.
15. Committee on Mines, to consist of five members.
16. Committee on Public Buildings, other than Prison Buildings, to consist of five members.
17. Committee on Public and Swamp and Overflowed Lands, to consist of five members.
18. Committee on Public Morals, to consist of three members.
19. Committee on Public Printing, to consist of three members.
20. Committee on Roads and Highways, to consist of five members.
21. Committee on State Library, to consist of three members.
22. Committee on State Prison and Prison Buildings, to consist of seven members.
23. Committee on Irrigation and Water Rights and Drainage, to consist of seven members.
24. Committee on Fisheries and Game, to consist of five members.
25. Committee on Elections, to consist of seven members.
26. Committee on City and Town Governments, to consist of five members.

16.

COMMITTEES APPOINTED BY PRESIDENT, UNLESS OTHERWISE ORDERED.

All committees of the Senate, Special and Standing, and all Joint Committees on the part thereof, shall be appointed by the President, unless otherwise specially ordered.

17.

COMMITTEE TO OBTAIN CONSENT OF SENATE FOR OFFICERS.

No committee, Standing or Special, shall elect a Clerk or Sergeant-at-Arms without first obtaining the consent of the Senate.

18.

ORDER OF QUESTIONS ON MOTION TO REFER.

When a resolution shall be offered or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

19.

CLAIMS ON CONTINGENT FUND MUST GO TO THE COMMITTEE ON CONTINGENT EXPENSES.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses. This rule has no application to the election of attachés of the Senate.

20.

ORDER OF PRIVILEGED QUESTIONS UNDER DEBATE.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

21.

MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any member, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

22.

READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.

When the reading of a paper is called for (except petitions), and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

23.

SENATORS MUST ADDRESS THE PRESIDENT.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave: and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

24.

THE SENATOR ENTITLED TO FLOOR.

When two or more members rise at once, the President shall name the member who is to speak first.

25.

SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.

When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not: and every question of order shall be decided by the President, subject to an appeal to the Senate by any member. If the member be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

26.

FINAL QUESTION ON SECOND READING OF BILLS—NO AMENDMENT ON THIRD READING, BUT MAY COMMIT.

The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

27.

FORM OF PREVIOUS QUESTION—CALL OF SENATE.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order: but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

28.

UNDER ACTION UPON PREVIOUS QUESTION, NO DEBATE.

On a motion for the previous question, and under the previous question, there shall be no debate. And all incidental questions of order, arising after a motion is made for the previous question (or while acting under the previous question), shall be decided, whether on appeal or otherwise, without debate.

29.

AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

30.

SENATOR OUTSIDE OF BAR, NOT ENTITLED TO VOTE.

Whenever any Senator is absent without the bar of the Senate when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present; nor shall a member be counted, on a division of a vote, who is absent without the bar of the Senate without leave.

31.

NOTICE OF RECONSIDERATION.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any member: *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority: and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

TITLES OF BILLS MUST BE IN JOURNAL.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

WHEN NOT IN COMMITTEE OF THE WHOLE, PROCEEDINGS MUST BE ENTERED IN JOURNAL—VOTES ALWAYS ENTERED.

The proceedings of the Senate when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall also be inserted in the Journal.

RULES IN SENATE AND COMMITTEE OF THE WHOLE.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

CASES NOT PROVIDED FOR, CUSHING TO GOVERN.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

SUSPENDING AND CHANGING RULES.

No standing rule or order of the Senate shall be rescinded or changed without a vote of two-thirds, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present, except that portion of Rule Six relating to the final passage of bills: all proposed amendments to these rules shall be referred to the Committee on Rules without debate.

POWERS AND PREROGATIVES OF PRESIDENT.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate: he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

PRESIDENT MAY ORDER LOBBIES CLEARED.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have power to order the same to be cleared.

PRESIDENT MAY CALL SENATORS TO THE CHAIR.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President: but such substitute shall not lose the right of voting on any question while so presiding.

SERGEANT-AT-ARMS.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and for traveling expenses for himself and special messenger going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required so to do, draw the money on such checks for the members (the same being previously signed by the President, and indorsed by the member or person to whom the check is made), and pay over the same to the member or person entitled thereto.

MESSENGERS—WHEN INTRODUCED.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are being called, or while the ballots are being counted.

DOORKEEPER.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the Assembly, officers of the two Houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

EXECUTIVE NOMINATIONS.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be, unless the Senate shall by a majority vote otherwise direct, acted upon at once.

PRINTING.

Three hundred and sixty copies of all bills shall be printed: and the Sergeant-at-Arms shall be required to certify to the reception, by the Senate, of all printed matter, and the quantity, before payment shall be made or bills audited therefor. Two copies of each bill or paper printed by order of the Senate shall be delivered to each Senator, and one to each Assemblyman and State officer: five copies to the State Library, and the remainder shall be reserved by the Sergeant-at-Arms for general distribution.

NUMBER OF COPIES TO BE PRINTED.

Three hundred and sixty copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

SECRET SESSION.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may in the opinion of the Senate require secrecy, the President shall require all persons except the members, Secretaries, Sergeant-at-Arms, and Doorkeeper of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed: and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined by order of the Senate.

ORDER OF ENGROSSING AND ENROLLING BILLS.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor: and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk: and all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor: and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

PRINTING THE DAILY JOURNALS.

The Superintendent of State Printing shall print a sufficient number of copies of the Journal of every day's proceedings of the Senate, to supply Senators, daily, during the session, with the Journal of the previous day's proceedings; and, also, a sufficient number of copies, with proper re-paging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

AUTHOR TO SPEAK LAST.

The author of a bill, motion, or resolution, shall have the privilege of closing the debate, unless the previous question has been sustained.

All of the rules were adopted, excepting Rules Numbers Six, Fourteen, Forty-five, Forty-six, and Forty-eight, which, by action of

the Senate, were passed without being acted upon when reached in their order.

Upon motion of Mr. Sears, the rules above named, not adopted, were made the special order for Wednesday, the fourteenth instant, at two o'clock P. M.

Mr. Enos submitted a rule, to be numbered fifty-one, providing that all committees of the Senate report their action on all bills or matters referred to them within seven days after its reference, unless otherwise specially ordered.

On motion of Mr. Brown, it was referred to the Committee on Rules.

SPECIAL ORDER.

The message of Governor Irwin, containing certain appointments made by him during his term of office, was now taken up, reading as follows:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January —, 1880. }

To the Senate of the State of California:

I have the honor to inform your honorable body that, since the adjournment of the twenty-second session of the Legislature, I have made the following appointments, and respectfully request that the Senate consent to the same:

April 20th, 1878—P. W. Murphy, vice E. M. Sanford, resigned, Brigadier-General of the First Brigade, National Guard.

December 30th, 1878—Thomas J. Clunie, vice M. S. Horan, resigned, Brigadier-General of the Fourth Brigade, National Guard.

September 10th, 1878—John Garber, vice H. H. Haight, deceased, one of the Trustees of the Asylum for the Deaf, Dumb, and Blind.

February 28th, 1879—Frank McCoppin, vice A. M. Burns, term expired, as State Harbor Commissioner.

I have also the honor to inform your honorable body that I nominate as members of the State Board of Health, the following named persons, and respectfully ask that the Senate consent to their appointment: Luke Robinson, M. D., of Colusa, vice self, term expired; H. Gibbons, Sr., M. D., of the City of San Francisco, vice self, term expired; Henry P. Orme, M. D., of Los Angeles, vice W. B. Stout, term expired; F. Walton Todd, M. D., of San Joaquin, vice self, term expired; W. R. Cluness, M. D., of Sacramento, vice J. F. Montgomery, term expired.

Also, nominate as Directors of the Insane Asylum of the State of California, the following named persons, and respectfully ask the Senate to consent to their appointment: Robert Watt, of Marin County, vice self, term expired; F. T. Baldwin, of San Joaquin County, vice self, term expired; Caleb Dorsey, of Stanislaus County, vice self, term expired; Obed Harvey, of Sacramento County, vice S. A. Holmes, resigned.

WILLIAM IRWIN, Governor.

The Senate was considered as in executive session, to act upon the appointments.

Upon the question, "Will the Senate advise and consent to the appointment of P. W. Murphy, vice E. M. Sanford, resigned, as Brigadier-General of the First Brigade of the National Guard?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—24.

Whereupon the President announced that the Senate had refused to confirm the appointment of P. W. Murphy as Brigadier-General.

Upon the question, "Will the Senate advise and consent to the appointment of Thomas J. Clunie, vice M. S. Horan, resigned, as

Brigadier-General of the Fourth Brigade, National Guard?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—15.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Traylor, Watson, Wendell, and Zuck—22.

Whereupon the President announced that the Senate had refused to confirm the appointment of T. J. Clunie as Brigadier-General.

Upon the question, "Will the Senate advise and consent to the appointment of John Garber, vice H. H. Haight, deceased, one of the Trustees of the Asylum for the Deaf, Dumb, and Blind?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—24.

Whereupon the President announced that the Senate had refused to confirm the appointment of John Garber as a Trustee of the Asylum for the Deaf, Dumb, and Blind.

Upon the question, "Will the Senate advise and consent to the appointment of Frank McCoppin vice A. M. Burns, term expired, as State Harbor Commissioner?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—13.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—25.

Whereupon the President announced that the Senate had refused to confirm the appointment of Frank McCoppin as a State Harbor Commissioner.

Upon the question, "Will the Senate advise and consent to the appointment of Luke Robinson, M. D., vice self, term expired, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Anderson, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—13.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—24.

Whereupon the President announced that the Senate had refused to confirm the appointment of Luke Robinson, M. D., as a member of the State Board of Health.

Upon the question, "Will the Senate advise and consent to the appointment of H. Gibbons, M. D., vice self, term expired, as a member of the State Board of Health?" the vote was called, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and Wendell—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—23.

Whereupon the President announced that the Senate had refused to confirm the appointment of H. Gibbons, M. D., as a member of the State Board of Health.

Upon the question, "Will the Senate advise and consent to the appointment of Henry P. Orme, M. D., vice W. B. Stout, term expired, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—24.

Whereupon the President announced that the Senate had refused to confirm the appointment of Henry P. Orme, M. D., as a member of the State Board of Health.

Upon the question, "Will the Senate advise and consent to the appointment of F. Walton Todd, M. D., vice same, term expired, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—24.

Whereupon the President announced that the Senate had refused to confirm the appointment of F. Walton Todd, M. D., as a member of the State Board of Health.

Upon the question, "Will the Senate advise and consent to the appointment of W. R. Cluness, M. D., vice J. F. Montgomery, term expired, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—15.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—23.

Whereupon the President announced that the Senate had refused to confirm the appointment of W. R. Cluness, M. D., as a member of the State Board of Health.

Upon the question, "Will the Senate advise and consent to the appointment of Robert Watt, vice self, term expired, as a Director of the State Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—24.

Whereupon the President announced that the Senate had refused to confirm the appointment of Robert Watt as a Director of the State Insane Asylum.

Upon the question, "Will the Senate advise and consent to the appointment of F. T. Baldwin, vice self, term expired, as a Director of the State Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—24.

Whereupon the President announced that the Senate had refused to confirm the appointment of F. T. Baldwin as a Director of the State Insane Asylum.

Upon the question, "Will the Senate advise and consent to the appointment of Caleb Dorsey, vice self, term expired, as a Director of the State Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—24.

Whereupon the President announced that the Senate had refused to confirm the appointment of Caleb Dorsey as a Director of the State Insane Asylum.

Upon the question, "Will the Senate advise and consent to the appointment of Obed Harvey, vice S. A. Holmes, resigned, as a Director of the State Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—24.

Whereupon the President announced that the Senate had refused to confirm the appointment of Obed Harvey as a Director of the State Insane Asylum.

ADJOURNMENT.

At twelve o'clock and ten minutes P. M., on motion of Mr. Johnson, the Senate adjourned until one o'clock and thirty minutes P. M. to-morrow, Wednesday, January fourteenth instant.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 14th, 1880. }

Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck.

Quorum present.

During the reading of the Journal of yesterday, on motion of Mr. Gorman, further reading was dispensed with, and the same approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Watson—Concerning resolutions passed by the Board of Trustees of Nevada City, December fourth, eighteen hundred and seventy-nine, in favor of the passage of a law to put in force the provisions of section four, of article nineteen, of the new Constitution, in reference to delegating to incorporated cities and towns of this State all necessary powers for the removal of Chinese without the limits of such cities and towns.

Received, and referred to the Committee on Chinese and Chinese Immigration.

By Mr. Wendell—Two petitions from salmon fishermen, and parties materially interested in the success of the business of salmon fishery in the waters of the Sacramento River, and bays and rivers affluent to the Bay of San Francisco, in reference to the removal of the prohibition now existing.

Received, and each referred to the Committee on Fisheries and Game.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 12th, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly has adopted Assembly Concurrent Resolution No. 6—relative to sending copies of certain statutes to the Superior Judges of this State.

Also, that the Assembly has adopted Assembly Concurrent Resolution No. 7—relative to the appointment of a Joint Committee on Rules.

WRIGHT, Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 6, above reported, was taken up.

On motion of Mr. Neumann, the resolution was amended to include each County Clerk in the State, and concurred in as amended.

Assembly Concurrent Resolution No. 7 concurred in.

INTRODUCTION OF BILLS.

Bills were introduced, to be numbered as follows:

By Mr. Satterwhite: Senate Bill No. 73—An Act to amend the Civil Code with respect to the measure of damages in certain cases. Read first time, and referred to Judiciary Committee.

By Mr. Chase: Senate Bill No. 74—An Act to amend certain sections of the Political Code concerning County Treasurers.

Read first time, and referred to Committee on City and County Governments.

By Mr. Kane: Senate Bill No. 75—An Act to provide for regulating paid fire departments in cities of the State of California having a population of one hundred thousand or more.

Read first time, and referred to Committee on City and Town Governments.

By Mr. Ryan: Senate Bill No. 76—An Act to amend section three thousand three hundred and fifty of the Political Code.

Read first time, and referred to Committee on Township and County Governments.

By Mr. Johnson: Senate Bill No. 77—An act making an appropriation for the State Printing Office, for the fiscal year ending June thirty, eighteen hundred and eighty.

Read first time, and referred to Committee on Public Printing.

By Mr. Brown (by request): Senate Bill No. 78—An Act to pay the claim of Hiram Clock, for services rendered as Porter to the Senate of the Twenty-second Session.

Also (by request): Senate Bill No. 79—An Act to pay the claim of James Saultry, for services rendered as Head Porter of the Senate of the Twenty-second Session.

Each of the above bills was read first time, and referred to the Finance Committee.

By Mr. Enos: Senate Bill No. 80—An Act to nullify and disaffirm certain resolutions and orders of the Board of Supervisors of the City and County of San Francisco whereby railroad franchises have been granted.

Read first time.

Mr. Enos moved to refer the bill to the San Francisco delegation.

Mr. Baker offered an amendment, to refer the bill to the Judiciary Committee.

During discussion, the hour to consider the special order set for two o'clock p. m. having arrived, upon motion of Mr. Satterwhite the special order was postponed until after the reference of the bill had been made.

On the motion to refer the bill to the Judiciary Committee, the ayes and noes were demanded by Messrs. Baker, Zuck, and Sears.

The roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—25.

NOES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—13.

The bill was accordingly referred to the Judiciary Committee.

GOVERNOR'S MESSAGE.

A message was received from the Governor announcing certain appointments.

On motion of Mr. Johnson, the message of the Governor was made a special order at one o'clock and thirty minutes P. M., on Thursday, the fifteenth instant.

SPECIAL ORDER.

Wednesday, January fourteenth, at two o'clock P. M., consideration of Rules Six, Fourteen, Forty-five, Forty-six, and Forty-eight, as reported by the Senate Committee upon Standing Rules.

Mr. Sears moved the adoption of Rule Number Six as reported by the committee.

Upon which the ayes and noes were demanded by the requisite number, and the rule was adopted by a vote as follows:

AYES—Messrs. Anderson, Baker, Burt, Chase, Dickinson, George, Glascock, Hittell, Hudson, Johnston, Lampson, Moreland, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—20.

NOES—Messrs. Brown, Carlock, Cheney, Conger, Davis, Enos, Gorman, Harlan, Hill, Johnson, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pool, Wendell, and West—19.

Mr. Enos (by leave), introduced a bill to be numbered Senate Bill No. 81—An Act to amend section number one thousand one hundred and twenty of the Code of Civil Procedure.

The bill was read by title.

Mr. Johnson requested the Chair to decide if such reading was the first reading of the bill.

The Chair decided that such reading (by title) was not the first reading of the bill under the Constitution.

Mr. Johnson appealed from the decision of the Chair.

Upon which the ayes and noes were demanded by the requisite number.

The merits of the question were now discussed at length; when, on motion of Mr. Brown, further discussion was postponed until to-morrow immediately after the reading of the Journal.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 15th, 1880. }

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following members responded as being present:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of the Journal of yesterday, on motion of Mr. Conger, further reading was dispensed with, and the same approved.

The Chair, upon his ruling of yesterday, that the reading of bills by titles was not the reading of bills in the sense of the Constitution, offered the following in support of his decision:

The Chair, in explanation of his ruling, desires to state that he is perfectly familiar with the rule of parliamentary construction contended for by the Chairman of the Committee on Rules, the Senator from the Fifteenth District, and supported by the Chairman of the Judiciary Committee, the Senator from the Fourteenth District: but will call the attention of those Senators and of the Senate, to another equally familiar rule of construction adopted and followed by all Courts—and that is, in case of doubt on questions upon contracts, or other written instruments, they seek the *intention* of the parties from other portions of the instrument, or the circumstances attending its execution.

Following the latter rule, we have only to look at the judgment of the Constitutional Convention as expressed in its address to the people, which, by its own order, was sent out with the Constitution, which contains the exact language contended for, and the interpretation by its own solemn act as they understood it, with the reason for it, to prevent hasty and vicious legislation. The people accepted and adopted this construction, and the Chair holds that it is the duty of the Legislature and the Courts to follow that interpretation strictly. If it is found inconvenient, or injurious by reason of its delays in legislation, let it be amended.

RESOLUTION.

Mr. Sears offered a concurrent resolution, to be numbered seven, as follows:

WHEREAS, A doubt exists in the minds of many members of the Senate and Assembly of the State of California, now in session, as to the proper construction of section fifteen, of article four, of the Constitution, relative to the reading of bills; and whereas, the validity of all laws passed by the Twenty-third Session of the Legislature may be involved by the proceedings and practice of said Legislature, concerning the reading of bills; and whereas, it is of great importance to the State that an opinion concerning said section of the Constitution should be obtained from the highest judicial tribunal in the State; therefore, be it

Resolved by the Senate, the Assembly concurring, That we respectfully request the Supreme Court of the State to give its opinion upon the following questions:

First—Is it mandatory upon the Legislature to read all bills at length upon their first and second readings?

Second—If a bill, instead of being read at length, have only its title read for the first and second readings, and then the bill, for the third reading, be read at length on its final passage, would such practice fully comply with said section of the Constitution in regard to the reading of bills?

GOVERNOR'S MESSAGE.

At this stage of proceedings, the following message was received from the Governor.

Others, making appointments, were, on motion of Mr. Johnson, made a special order, to be acted on, with other appointments, at one o'clock and thirty minutes P. M.:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 13th, 1880. }

To the Senate of the State of California:

I have the honor to transmit to your honorable body, by request of the Commissioner of Transportation, a printed and corrected copy of his biennial report to the Legislature, accompanied with a communication from him to the Legislature in respect to the same.

GEO. C. PERKINS, Governor.

STATE OF CALIFORNIA, SACRAMENTO, January 12th, 1880.

To the Senate and Assembly of the State of California:

Owing to some of my manuscript having been destroyed, I herewith transmit to your honorable bodies the printed copy of my biennial report for the years ending December thirty-first, eighteen hundred and seventy-seven and eighteen hundred and seventy-eight. In the copy transmitted an important correction is made.

In the foot-note, marked by an asterisk, on page seventy-eight, I am made to say that the amount of interest annually payable by the Central Pacific Railroad Company "includes the interest (not payable till maturity of bonds) due the United States Government on the bonds issued in aid of the construction of said railroad." The words, "not payable till maturity of bonds," in parentheses, should be omitted.

Very respectfully yours,

B. F. TUTTLE,
Commissioner of Transportation.

The question now recurring on the adoption of the resolution offered by Mr. Sears, the ayes and noes were demanded by Messrs. Chase, Dickinson, and Glascock.

The roll was called, and the Senate refused to adopt the resolution by a vote as follows:

AYES—Messrs. Baker, Burt, Cheney, Davis, Hittell, Hudson, Johnson, Lampson, Moreland, Pardee, Rowell, Ryan, Sears, Traylor, Wendell, West, and Zuck—17.

NOES—Messrs. Anderson, Brown, Carlock, Chase, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pool, Satterwhite, and Watson—22.

The question now recurring upon the decision of the Chair in reference to the reading of bills, the Chair stated it was as follows: "Shall the decision of the Chair stand as the judgment of the Senate?"

The roll was called, and the decision sustained by a vote as follows:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pool, Watson, and West—23.

NOES—Messrs. Baker, Burt, Davis, George, Hittell, Hudson, Johnson, Moreland, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and Zuck—16.

RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess until one o'clock and thirty minutes P. M.

RE-ASSEMBLED.

Senate re-assembled at one o'clock and thirty minutes P. M.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

SPECIAL ORDER—ONE O'CLOCK AND THIRTY MINUTES P.M.—GOVERNOR'S MESSAGES.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January 14th, 1880. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed George S. Evans, of San Joaquin County, State Harbor Commissioner, vice Burns, term expired.

Also, appointed as Directors of the Insane Asylum of the State of California: J. K. Doak, of San Joaquin County, vice Baldwin, term expired; Obed Harvey, Sacramento County, vice

Caleb Dorsey, term expired: Robert Watt, Marin County, vice self, term expired: Donald McLehman, San Francisco County, vice Holmes, resigned, and respectfully ask the consent of the Senate to the same.

GEO. C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.
SACRAMENTO, January 12th, 1880.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day appointed Charles D. Bunker, of San Francisco, Commissioner of Immigration, vice Van Ness, term expired.

Also, Jno. F. Sheehan, as Brigadier-General, Fourth Brigade, N. G. C., vice Clunie, and respectfully request that the Senate consent to the same.

GEO. C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.
SACRAMENTO, January 12th, 1880.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day appointed, as members of the State Board of Health: H. Garbino, San Francisco, vice self, term expired; C. C. Mason, Butte County, vice L. Robinson, term expired; J. P. Wilcox, Los Angeles County, vice W. B. Stout, term expired; W. R. Chace, Sacramento County, vice J. F. Montgomery, term expired; C. W. Bryant, Santa Clara County, vice F. Walton Todd, term expired, and respectfully ask that the Senate concur therein.

GEO. C. PERKINS, Governor.

The Senate was considered as in executive session to consider the appointments.

Upon the question, "Will the Senate advise and consent to the appointment of General Geo. S. Evans, vice — Burns, term expired, as a member of the Board of State Harbor Commissioners," the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Bart, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hall, Hatell, Hudson, Johnson, Johnston, Kane, Kelly, Lampton, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

Whereupon the President announced that the appointment of Gen. Geo. S. Evans, as a member of the Board of State Harbor Commissioners, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. K. Doak, vice F. T. Baldwin, term expired, as a Director of the State Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Bart, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hall, Hatell, Hudson, Johnson, Johnston, Kane, Kelly, Lampton, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

Whereupon the President announced that the appointment of J. K. Doak, as a Director of the State Insane Asylum, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Obed Harvey, vice Caleb Dorsey, term expired, as a Director of the State Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Bart, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hall, Hatell, Hudson, Johnson, Johnston, Kane, Kelly, Lampton, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—37.

NOES—None.

Whereupon the President announced that the appointment of Obed Harvey, as a Director of the State Insane Asylum, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Robert Watt, vice self, term expired, as a Director of the State Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—Mr. Johnson—1.

Whereupon the President announced that the appointment of Robert Watt, as a Director of the State Insane Asylum, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Donald McLennan, vice S. A. Holmes, resigned, as a Director of the State Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—37.

NOES—None.

Whereupon the President announced that the appointment of Donald McLennan, as a Director of the State Insane Asylum, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Chas. D. Bunker, vice Van Ness, term expired, as Commissioner of Immigration?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—37.

NOES—None.

Whereupon the President announced that the appointment of Charles D. Bunker, as Commissioner of Immigration, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John F. Sheehan, as Brigadier-General, Fourth Brigade, N. G. C., vice T. J. Clunie?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

Whereupon the President announced that the appointment of John F. Sheehan, as Brigadier-General, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of H. Gibbons, vice self, term expired, as a member of

the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

Whereupon the President announced that the appointment of H. Gibbons, as a member of the State Board of Health, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of C. C. Mason, vice L. Robinson, term expired, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

Whereupon the President announced that the appointment of C. C. Mason, as a member of the State Board of Health, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. P. Widney, vice W. B. Stout, term expired, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

Whereupon the President announced that the appointment of J. P. Widney, as a member of the State Board of Health, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. R. Cluness, vice J. F. Montgomery, term expired, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

Whereupon the President announced that the appointment of W. R. Cluness, as a member of the State Board of Health, was duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of C. W. Breyfogle, vice F. Walton Todd, term expired, as a member of the State Board of Health?" Mr. Rowell raised objections to the confirmation of this appointment, giving, as his reasons, that the appointee was not a regular practitioner, etc.

After full discussion, the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nye, Pool, Wendell, West, and Zuck—25.

NOES—Messrs. Anderson, Burt, Hill, Hittell, Lampson, Neumann, Pardee, Rowell, Ryan, Traylor, and Watson—11.

Whereupon the President announced that the appointment of C. W. Breyfogle, as a member of the State Board of Health, was duly confirmed.

RESOLUTIONS.

On motion of Mr. Brown, the rules were suspended to take from the table the following resolution:

Resolved, That the Sergeant-at-Arms be empowered to appoint two Gatekeepers, one for each side of the Senate Chamber, at a per diem hereafter to be fixed by the Senate.

Adopted.

Mr. Johnson offered the following resolution:

Resolved, 1. That Senators Rowell, Hill, Burt, and Carlock be and they are hereby added to the Committee on Agriculture.

2. That Senators Carlock and Zuck be and they are hereby added to the Committee on Claims.

3. That Senator Cheney be and he is hereby added to the Committee on Judiciary.

4. That Senators Hudson and Hittell be and they are hereby added to the Committee on Military Affairs.

5. That Senators Carlock and Lampson be and they are hereby added to the Committee on Roads and Highways.

6. That Senator Johnson be and he is hereby added to the Committee on State Prisons.

7. That Senator Johnston be and he is hereby added to the Committee on Public Buildings.

8. That Senator Davis be and he is hereby added to the Committee on Irrigation, Water Rights, and Drainage.

9. That Senator George be and he is hereby added to the Committee on Mines and Mining.

10. That Senators Brown and Dickinson be and they are hereby added to the Committee on Corporations.

Adopted.

CONTINUATION OF SPECIAL ORDER IN REFERENCE TO RULES.

Rule Fourteen was adopted.

Rule Forty-five was adopted.

Mr. Satterwhite gave notice of a motion to reconsider, on to-morrow, the vote by which the rule was adopted.

On motion of Mr. Watson, the rule was recommitted to the Committee on Rules.

Rules Forty-six and Forty-eight were, on motion of Mr. Dickinson, recommitted to the Committee on Rules.

Mr. Enos moved that the Secretary of State be requested to transmit to the Senate the papers in the contested election cases.

So ordered.

READING OF BILLS.

On motion of Mr. Brown, all bills heretofore introduced were now taken up to be read at length and referred to the committees.

By Mr. Johnson: Senate Bill No. 1—An Act to compel the retraction of false and defamatory articles in newspapers or serial publications.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 2—An Act to prevent the accumulation of large landed estates.

Read first time, and referred to Judiciary Committee.

Also: Senate Bill No. 3—An Act to provide for the purchase of a Governor's mansion.

Read first time, and referred to Committee on Public Buildings.

By Mr. Enos: Senate Bill No. 4—An Act to provide for the trial of offenses upon information.

Read first time, and referred to Judiciary Committee.

Mr. Neumann, by leave, introduced a bill, to be numbered Senate Bill No. 82—An Act amendatory of section four thousand and six of the Political Code.

Read first time, and referred to the Judiciary Committee.

By Mr. Baker: Senate Bill No. 5—An Act to provide for the improvement of Normal School Square, in the City of San José.

Read first time, and referred to the Committee on Public Buildings.

By Mr. Kane: Senate Bill No. 6—An Act to prohibit the employment of Chinese by corporations, and to add a new section to the Penal Code.

Read first time, and referred to the Committee on Chinese and Chinese Immigration.

By Mr. Johnson: Senate Bill No. 7—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read first time, and referred to Committee on Corporations.

The President presented papers pertaining to contest concerning the seat of T. K. Nelson, which were referred to the Committee on Elections.

At four o'clock p. m. Mr. Davis moved to adjourn.

Lost.

READING OF BILLS RESUMED.

By Mr. Baker: Senate Bill No. 8—An Act to amend section one thousand five hundred and ninety of the Penal Code.

Read first time, and referred to Committee on State Prison.

By Mr. Enos: Senate Bill No. 9—An Act to limit and fix the rates and price of gas in all cities within the State of California having a population of one hundred thousand or more.

Mr. Neumann moved to refer the bill to the San Francisco delegation.

Mr. Johnson offered an amendment to refer the bill to the Committee on Corporations.

ADJOURNMENT.

Pending discussion, at five o'clock and ten minutes p. m., on motion of Mr. Satterwhite, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 16th, 1880. }

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of the Journal of yesterday, on motion of Mr. Satterwhite, further reading was dispensed with, and the same approved.

On motion of Mr. Gorman, leave of absence was granted to Mr. Nelson for two days, on account of sickness.

The President announced that the papers in the contested election cases of M. C. Conroy against C. C. Conger, J. Byrnes against R. Desty, and T. J. Pendar against W. W. Traylor, had been received from the Secretary of State.

It was ordered by the Senate that the same be referred to the Chairman of the Committee on Elections.

Mr. Neumann, Chairman of the Committee on Elections, announced that said committee had organized, and were now ready to receive any references to the committee.

Mr. Enos moved that Mr. Satterwhite be substituted in the place of Mr. Nelson, on the Committee on Elections, for the purpose of acting with said committee during the contest of his election.

So ordered.

REPORTS.

Mr. Zuck, the Chairman of the Committee on Contingent Expenses and Mileage, submitted a report relative to the mileage of Senators and the Lieutenant-Governor.

Upon motion of Mr. Dickinson, the report was referred to the Judiciary Committee, to examine as to legal rates, etc.

Mr. Sears, Chairman of the Committee on Rules, submitted a verbal report as to the rules not yet adopted, and which had been referred to said committee, recommending that Rule Forty-six be amended and adopted; that Rule Forty-eight be adopted; and adverse to the adoption of Rule Fifty-one, submitted by Mr. Enos; also, that Rule Fifty be amended, by striking out the word "motion," after the word "bill," in the first line; also, recommending that Rule Six be amended, by striking out the words "and printed," in the second line; that Rule Forty-five be amended, by striking out the words "one to each Assemblyman, and State officer, and five copies to the State Library," and adding "according to law."

On motion of Mr. Satterwhite the rules were taken up in their order.

Rule Forty-five, amended as recommended, and adopted as amended.

Rule Forty-six, adopted.

Rule Forty-eight, adopted.

As to Rule Six, Mr. Johnson raised the point of order that the rule had already been adopted, and was not now properly before the Senate for amendment.

On motion of Mr. Sears, the rules were suspended to consider the amendment to Rule Six.

Upon the proposed amendment to strike out the words "and printed," the ayes and noes were demanded by Messrs. Burt, Glascock, and Gorman, and the Senate refused to amend by a vote as follows:

AYES—Messrs. Dickinson, Neumann, Ryan, and Sears—4.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nye, Pardee, Pool, Rowell, Traylor, Watson, Wendell, West, and Zuck—30.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 15th, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly, on January fourteenth, eighteen hundred and eighty, passed Assembly Bill No. 2—An Act to make the Code of Civil Procedure and the Penal Code of California the rule of action in the Courts as at present organized.

Also, that, on January fourteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 7—An Act to amend sections one hundred and forty-seven, one hundred and forty-eight, and one hundred and forty-nine, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the seals of Courts.

Also, that, on January fourteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 12—An Act to repeal chapter four, of title one, of part two, of the Political Code, and all laws creating judicial districts in this State, defining the boundaries thereof, and fixing the terms of Court therein.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, January 15th, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly has, this day, adopted Assembly Concurrent Resolution No. 8, relative to testing the constitutional validity of Assembly Bill No. 12.

J. M. WRIGHT, Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 2, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bills Nos. 7 and 12, above reported, each read first time, and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 8, above reported, read.

On motion of Mr. Johnson, the resolution was referred to the Judiciary Committee, with request to report the same as speedily as possible.

READING OF BILLS.

Senate Bill No. 9, which was under consideration yesterday when the Senate adjourned.

On the motion of Mr. Johnson to refer the bill to the Committee

on Corporations, the ayes and noes were demanded by Messrs. Johnson, Dickinson, and Enos, and the Senate refused to so refer the bill by a vote as follows :

AYES—Messrs. Baker, Burt, Carlock, Davis, George, Hall, Hudson, Johnson, Johnston, Lampson, Nye, Rowell, Watson, and Zuehl—14.

NOES—Messrs. Anderson, Brown, Chase, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Kane, Kelly, Langford, Moreland, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—23.

The original motion prevailed, and the bill was referred to the San Francisco delegation.

By Mr. Gorman: Senate Bill No. 10—An Act to regulate the salaries of officers in cities, and cities and counties, containing one hundred thousand and upwards.

Read first time, and referred to the Judiciary Committee.

By Mr. Moreland: Senate Bill No. 11—An Act providing for the appointment of a Board of Prison Directors, to define their duties, and to provide for the management of the State Prison.

Read first time, and referred to Committee on State Prison.

By Mr. Enos: Senate Bill No. 12—An Act to authorize the election of women to school offices.

Read first time, and referred to Committee on Education.

By Mr. Johnson: Senate Bill No. 13—An Act for the relief of John Hoagland.

Also: Senate Bill No. 14—An Act for the relief of James Reid.

Also: Senate Bill No. 15—An Act for the relief of William B. Todhunter.

Also: Senate Bill No. 16—An Act for the relief of Mrs. Mary W. G. Vanarsdale.

Also: Senate Bill No. 17—An Act for the relief of George Cooper.

Also: Senate Bill No. 18—An Act for the relief of Mrs. Rebecca C. Hoagland.

By Mr. Chase: Senate Bill No. 19—An Act relating to foreclosure of mortgages.

By Mr. Kane: Senate Bill No. 20—An Act to protect the business rights of the citizens of this State.

The above bills were read first time, and referred to the Judiciary Committee.

By Mr. Watson: Senate Bill No. 21—An Act to amend section four thousand two hundred and four of the Political Code.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Enos: Senate Bill No. 22—An Act prohibiting savings banks, or savings and loan societies, and the attorneys, counselors, and other employes thereof, from charging borrowers for searching, or passing upon the title to property mortgaged to such banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies.

By Mr. Nye: Senate Bill No. 23—An Act to amend sections eighty-five, eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen, of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments.

The above bills were read first time, and referred to the Judiciary Committee.

RECESS.

At twelve o'clock and thirty minutes p. m. the Senate took a recess until one o'clock and thirty minutes p. m.

RE-ASSEMBLED.

Senate re-assembled at one o'clock and thirty minutes p. m.

The President in the Chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

On motion of Mr. Johnston, leave of absence for one day was granted Mr. Traylor.

READING OF BILLS—CONTINUED.

By Mr. Nye: Senate Bill No. 24—An Act to amend sections six hundred and eighty-nine, one thousand and forty-two, one thousand four hundred and thirty, and one thousand four hundred and thirty-five, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury.

Read first time, and referred to Judiciary Committee.

Also: Senate Bill No. 25—An Act to add a new section, to be known as six hundred and fifty-four (c), to an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments, and declaring it to be a misdemeanor for any officer, agent, or employé of any railroad corporation or transportation company to demand or receive rates of fares or freights in excess of those established by the Railroad Commissioners, and prescribing the punishment thereof.

Also: Senate Bill No. 26—An Act to add a new section to be known as section six hundred and fifty-four (a), to an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments, and declaring it to be a misdemeanor for any railroad corporation or transportation company to fail or refuse to conform to the rates of charges for the transportation of passengers or freight established by the Railroad Commissioners, or to charge rates in excess thereof, and prescribing the punishment thereof.

Also: Senate Bill No. 27—An Act to add a new section, to be known as section six hundred and fifty-six (b), to an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, on the subject of crimes and punishments, and declaring it to be a misdemeanor for any railroad corporation or transportation company to fail to keep its accounts in

accordance with the system prescribed by the Railroad Commissioners, and prescribing the punishment thereof.

Above bills read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 28—An Act to repeal section four thousand three hundred and twenty-nine of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, regulating the salaries of County Judges.

Also: Senate Bill No. 29—An Act to repeal sections four hundred and ninety-nine and six hundred and eighty-four of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the salaries and compensation of public officers.

The above bills were read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 30—An Act to amend sections three hundred and thirty-two, three hundred and forty-three, three hundred and fifty-two, three hundred and sixty-seven, three hundred and eighty-four, three hundred and eighty-six, three hundred and ninety-six, three hundred and ninety-seven, four hundred and eight, four hundred and ten, four hundred and seventeen, four hundred and nineteen, four hundred and twenty, four hundred and twenty-two, four hundred and thirty-eight, four hundred and forty, four hundred and forty-one, four hundred and fifty-five, four hundred and fifty-six, four hundred and seventy-one, four hundred and seventy-two, four hundred and eighty-four, four hundred and eighty-six, five hundred, five hundred and twenty-eight, seven hundred and thirty-seven, seven hundred and thirty-eight, seven hundred and thirty-nine, seven hundred and forty-nine, seven hundred and sixty-seven, eight hundred and forty-one, eight hundred and fifty-two, eight hundred and fifty-three, nine hundred and ninety-six, three thousand seven hundred, four thousand and twenty-six, four thousand one hundred and three, four thousand one hundred and nine, four thousand one hundred and ten, four thousand one hundred and twelve, four thousand one hundred and fifteen, four thousand one hundred and sixteen, four thousand one hundred and nineteen, four thousand one hundred and seventy-six, four thousand two hundred and four, four thousand two hundred and fifty-six, and four thousand three hundred and twenty-eight, and to repeal sections four hundred and fifteen, four hundred and twenty-one, four hundred and ninety-nine, five hundred and fifteen, and six hundred and eighty-four, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to public officers, their duties, and compensation.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Wendell: Senate Bill No. 31—An Act to amend sections one thousand three hundred and thirty-eight and one thousand three hundred and fifty-three of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, providing for the examination of witnesses.

Also: Senate Bill No. 32—An Act to amend sections seven hundred and twelve, seven hundred and twenty-eight, seven hundred and thirty-two, seven hundred and sixty, seven hundred and seventy-one, seven hundred and seventy-two, eight hundred and eighteen,

eight hundred and twenty, eight hundred and fifty, eight hundred and ninety, nine hundred and thirty, one thousand one hundred and ninety-seven, one thousand three hundred and thirty, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand five hundred and fifteen, one thousand five hundred and sixteen, and one thousand five hundred and fifty-six of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, providing for certain proceedings before the Supreme Court, or the Judges thereof, in place of the Courts established by the new Constitution, or their Judges.

Also: Senate Bill No. 33—An Act to add a new section, to be known as section ninety, to an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the crime of lobbying.

Also: Senate Bill No. 34—An Act to amend sections eight hundred and seventy-two, eight hundred and seventy-five, and to repeal section eight hundred and seventy-four, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to commitments of persons charged with crimes.

Also: Senate Bill No. 35—An Act to amend section one thousand and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to prosecutions of Judges of Superior Courts.

Also: Senate Bill No. 36—An Act to repeal sections ten hundred and twenty-eight (1028), ten hundred and thirty (1030), eleven hundred and twelve (1112), and eleven hundred and forty-three (1143), of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to judicial proceedings in criminal cases.

Also: Senate Bill No. 37—An Act to amend section eight hundred and eight of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, declaring who are magistrates.

Also: Senate Bill No. 38—An Act to amend sections one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to forfeiture of bail, or money deposited in lieu of bail.

Also: Senate Bill No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-two, eight hundred, eight hundred and one, eight hundred and two, eight hundred and six, eight hundred and eighty-eight, nine hundred and forty-nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, nine hundred and fifty-five, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and fifty-nine, nine hundred and sixty, nine hundred and sixty-one, nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, nine hundred and sixty-eight, nine hundred and sixty-nine, nine hundred and seventy, nine hundred and seventy-one, nine

hundred and seventy-two, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and eighty-one, nine hundred and eighty-two, nine hundred and eighty-five, nine hundred and eighty-eight, nine hundred and eighty-nine, nine hundred and ninety, nine hundred and ninety-five, nine hundred and ninety-six, nine hundred and ninety-seven, nine hundred and ninety-eight, nine hundred and ninety-nine, one thousand and four, one thousand and five, one thousand and eight, one thousand and nine, one thousand and twelve, one thousand and sixteen, one thousand and seventeen, one thousand and eighteen, one thousand and nineteen, one thousand and twenty-one, one thousand and twenty-two, one thousand one hundred and twenty-three, one thousand and twenty-four, one thousand and twenty-five, one thousand and thirty-three, one thousand and forty-three, one thousand and forty-seven, one thousand and forty-eight, one thousand and fifty-two, one thousand and sixty-five, one thousand and seventy-four, one thousand and ninety-three, one thousand and ninety-five, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand and three, one thousand one hundred and four, one thousand one hundred and thirteen, one thousand one hundred and fourteen, one thousand one hundred and fifteen, one thousand one hundred and seventeen, one thousand one hundred and twenty-one, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, one thousand one hundred and thirty-one, one thousand one hundred and forty-one, one thousand one hundred and forty-eight, one thousand one hundred and fifty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and fifty-eight, one thousand one hundred and fifty-nine, one thousand one hundred and sixty, one thousand one hundred and sixty-five, one thousand one hundred and seventy, one thousand one hundred and eighty-one, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand two hundred, one thousand two hundred and seven, one thousand two hundred and thirty-eight, one thousand two hundred and seventy-three, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-seven, one thousand eight hundred and eighty-nine, one thousand three hundred and ten, one thousand three hundred and twenty-six, one thousand three hundred and thirty-five, one thousand three hundred and forty-six, one thousand three hundred and forty-nine, one thousand three hundred and fifty-four, one thousand three hundred and fifty-eight, one thousand three hundred and sixty-eight, one thousand three hundred and seventy, one thousand three hundred and seventy-three, one thousand three hundred and eighty-two, one thousand three hundred and eighty-three, one thousand three hundred and ninety-five, one thousand three hundred and ninety-six, one thousand four hundred and one, and one thousand four hundred and twenty-nine, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and to add a new section thereto, to be known as eight hundred and nine, to provide for prosecutions, and to adapt the provisions of said Code thereto.

Each of the above bills was read first time, and referred to the Judiciary Committee.

Mr. Hittell moved to suspend the rules, to take from the general file Assembly Bill No. 1, for consideration.

Upon which the ayes and noes were demanded by Messrs. Johnson, Dickinson, and Brown.

The roll was called, and the Senate refused, by a vote as follows:

AYES—Messrs. Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Johnson, Pardee, Ryan, Sears, and Wendell—15.

NOES—Messrs. Baker, Burt, Brown, Carlock, George, Glascock, Hudson, Johnston, Kane, Kelly, Moreland, Nye, Pool, Rowell, Satterwhite, Watson, West, and Zuck—18.

READING OF BILLS—RESUMED.

By Mr. Davis: Senate Bill No. 40—An Act to repeal an Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 41—An Act to amend section one thousand five hundred and three, and to repeal section one thousand four hundred and ninety-four.

Also: Senate Bill No. 42—An Act to amend sections one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-five, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-two, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-five, one thousand seven hundred and ninety-one, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-five, and to repeal sections one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred

and forty-eight, one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, one thousand eight hundred and seventy-two, one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, one thousand seven hundred and forty-six, one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, one thousand seven hundred and fifty-two, one thousand seven hundred and fifty-three, one thousand seven hundred and fifty-seven, and one thousand seven hundred and fifty-eight, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the public schools.

Each of the above bills was read first time, and referred to Committee on Education.

The President directed the following notice to be read :

The members of this body are hereby notified that the Rev. O. C. Wheeler will deliver an address on Chinese immigration, and kindred subjects, in the Assembly Chamber, this evening, at eight o'clock. The members of this body are cordially invited to attend.

The President made the following order :

There is such manifest propriety that the author of a bill should be present when it is read, to correct errors, and to see that it is properly read, as prescribed by Rule Six, the Chair directs under the authority of Rule Thirty-eight, that unless the author is present when the bill is reached in its order it will lose its place in order, and be placed at the foot of the calendar for future consideration.

Also, announced the following as the Committee on Chinese and Chinese Immigration : Messrs. Johnson, Hill, Burt, George, Kane, Anderson, and Gorman.

At four o'clock and forty minutes p. m., Mr. Davis moved to adjourn.

Upon which the ayes and noes were demanded by the requisite number, and the Senate refused by a vote as follows :

AYES—Messrs. Baker, Chase, Davis, George, Harlan, Hill, Hudson, Lampson, Moreland, Satterwhite, Sears, Watson, West, and Zuck—14.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Cheney, Conger, Dickinson, Enos, Glasecock, Gorman, Hittell, Johnson, Kane, Kelly, Nye, Pardee, Pool, Ryan, and Wendell—19.

Mr. Hittell moved to suspend the rules to take up the general file, to consider Assembly Bill No. 1.

Upon which the ayes and noes were demanded by Messrs. Johnson, Hittell, and Brown.

The roll was called, and the Senate refused, failing to obtain a two-thirds vote, as follows :

AYES—Messrs. Anderson, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Lampson, Pardee, Pool, Sears, and Wendell—19.

NOES—Messrs. Baker, Burt, Carlock, George, Glasecock, Hill, Kane, Kelly, Langford, Moreland, Nye, Satterwhite, Watson, West, and Zuck—15.

ADJOURNMENT.

At four o'clock and forty-seven minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Saturday, January 17th, 1880. }

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Eños, George, Glasecock, Gorman, Harlan, Hill, Huttell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of the Journal of yesterday, on motion of Mr. Hill, further reading was dispensed with, and the same approved.

On motion of Mr. Baker, leave of absence was granted to Messrs. Neumann and Traylor for one day.

REPORTS.

Mr. Hill, Chairman of the Committee on Public Printing, submitted the following report:

MR. PRESIDENT: Your Committee on Public Printing have had under consideration Senate Bill No. 77, and herewith report the same back, and recommend its passage.

HILL, Chairman.

Mr. Nye, Chairman of the Judiciary Committee, submitted the following report:

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the report of the Committee on Mileage and Contingent Expenses, announce that they have considered the same, and recommend that the report of the committee be adopted.

NYE, Chairman.

The report and resolution, as committed and recommended for adoption, is as follows:

MR. PRESIDENT: The Committee on Mileage and Contingent Expenses, having had under consideration the mileage of Senators and Lieutenant-Governor, beg leave to report that the following Senators and Lieutenant-Governor are entitled to mileage, under the Constitution, as follows:

NAME.	Miles.	Amount.	NAME.	Miles.	Amount.
Anderson -----	408	\$40 80	Kelly -----	168	\$16 80
Baker -----	240	24 00	Lampson -----	200	20 00
Burt -----	122	12 20	Langford -----	96	9 60
Brown -----	142	14 20	Mansland -----	314	31 40
Carlock -----	550	55 00	Nelson -----	168	16 80
Chase -----	738	73 80	Neumann -----	168	16 80
Cheney -----	372	37 20	Nye -----	182	18 20
Conger -----	168	16 80	Pardee -----	182	18 20
Davis -----	102	10 20	Pool -----	352	35 20
Dickinson -----	168	16 80	Rowell -----	338	33 80
Enos -----	168	16 80	Ryan -----	624	62 40
George -----	142	14 20	Satterwhite -----	1,176	117 60
Glascok -----	160	16 00	Sears -----	192	19 20
Gorman -----	168	16 80	Traylor -----	168	16 80
Harlan -----	40	4 00	Watson -----	142	14 20
Hill -----	392	39 20	Wendell -----	80	8 00
Hittell -----	168	16 80	West -----	980	98 00
Hudson -----	96	9 60	Zuck -----	316	31 60
Johnson -----			Lieutenant-Governor, as		
Johnston -----	30	3 00	President of Senate	956	95 60
Kane -----	168	16 80			

We recommend the adoption of the following resolution :

Resolved, That the Controller of State be authorized and directed to draw his warrant upon the appropriate fund in favor of the parties named, and for the amounts stated in the above report.

All of which is respectfully submitted.

ZUCK, Chairman.

On motion of Mr. Satterwhite, the report and resolution was adopted.

Mr. Zuck, the Chairman of the Committee on Mileage and Contingent Expenses, submitted the following report :

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the attached resolution, recommend that a Clerk be employed by the Sergeant-at-Arms, and that his per diem be fixed at five dollars, said per diem to commence on the sixth day of January, eighteen hundred and eighty.

ZUCK, Chairman.

Resolved, That the Sergeant-at-Arms be empowered to employ a Clerk for his office at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

Also :

SENATE CHAMBER, SACRAMENTO, January 8th, 1880.

Mr. Enos offered the following resolution :

Resolved, That August Rose be and he is hereby appointed Post-office Page, at a per diem of three dollars, payable out of the appropriation for the contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses, when appointed.

MR. SPEAKER: The committee to which the above matter was referred, beg leave to report that it is the judgment of the committee, that no such Page as Post-office Page is necessary.

ZUCK, Chairman.

The Chair stated the question was on adopting the recommendation of the committee, on which the ayes and noes were demanded by Messrs. Davis, Zuck, and Watson.

The report of the committee was adopted, and the resolution rejected by a vote as follows :

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Davis, George, Hill, Hittell, Johnston, Lampson, Moreland, Nye, Rowell, Ryan, Sears, Wendell, West, and Zuck—19.

NOES—Messrs. Brown, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Johnson, Kane, Kelly, Nelson, Pardee, Pool, Satterwhite, and Watson—15.

Also :

January 16th, 1880.

To the President of the Senate :

The committee to whom was referred the annexed resolution, beg leave to report that in the judgment of the committee the services of Newton Benedict, temporary Minute Clerk, will not be required on and after January seventeenth, eighteen hundred and eighty, and that under the law he is entitled to the sum of eight dollars per day, and that he has served thirteen days inclusive of January seventeenth, eighteen hundred and eighty : and there is due him as such Clerk one hundred and four dollars, less twenty-four dollars which has been paid him, and recommend that a warrant be drawn in his favor for that amount.

All of which is respectfully submitted.

ZUCK, Chairman.

Resolved, That Newton Benedict, temporary Minute Clerk, be employed at the desk until such time as otherwise ordered by the Senate, at the same per diem allowed the Minute Clerk.

The report of the committee was adopted, allowing said temporary Minute Clerk the sum of eighty dollars.

Mr. Johnston offered a resolution providing for the appointment of Messrs. Conger and Johnson as two additional members of the Committee on Education.

Mr. West moved to lay the resolution over for one day.

Mr. Satterwhite moved to amend, that the Chair appoint the additional members.

Mr. Pardee moved to lay the whole matter on the table.

Lost.

When, by leave, Mr. Johnston was allowed to withdraw the resolution.

READING OF BILLS.

By Mr. Nye: Senate Bill No. 43—An Act to amend section one thousand one hundred and eighty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the liens of mechanics and others upon real property.

By Mr. Kane: Senate Bill No. 44—An Act to distinguish the kinds of labor employed in the manufacture of goods.

By Mr. Enos: Senate Bill No. 45—An Act to repeal an Act entitled an Act to amend the Penal Code, approved January nineteenth, eighteen hundred and seventy.

Also: Senate Bill No. 46—An Act relative to testimony and evidence in criminal cases.

Also: Senate Bill No. 47—An Act to secure to all persons freedom in the selection of an occupation, profession, or employment.

Also: Senate Bill No. 48—An Act to prohibit and abolish the fee system.

Also: Senate Bill No. 49—An Act to punish bribery.

By Mr. Gorman: Senate Bill No. 50—An Act relating to trade marks filed in the office of the Secretary of State.

Each of the above bills were read first time, and referred to the Judiciary Committee.

By Mr. Enos (by request): Senate Bill No. 51—An Act to repeal an Act entitled "An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that

purpose," approved March twenty-seventh, eighteen hundred and seventy-eight.

Read first time, and referred to San Francisco delegation.

Also: Senate Bill No. 52—An Act to repeal an Act entitled "An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose," approved March twenty-seventh, eighteen hundred and seventy-eight.

Read first time, and referred to Judiciary Committee.

Also: Senate Bill No. 53—An Act providing for the establishment of a Board of Nautical Examiners for the Port of San Francisco, for the examination of masters and mates of sea-going sailing vessels owned in this State (pilot boats and pleasure yachts excepted), and for the issuance and revocation of certificates of competency and service.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Moreland: Senate Bill No. 54—An Act to provide for the organization of a Board of Railroad Transportation Commissioners.

Read first time and referred to the Committee on Corporations, with instructions to report the same as soon as possible.

By Mr. Zuck: Senate Bill No. 55—An Act fixing the compensation to members, officers, and employes of the Legislature.

By Mr. Hittell: Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Each of the above bills read first time, and referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Mr. Davis, by leave, under a suspension of the rules, introduced a bill to be numbered Senate Bill No. 83—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Read first time.

Mr. Davis moved to suspend the rules to place the bill on its second reading.

Mr. Dickinson offered an amendment to dispense with section fifteen, article four, of the Constitution, for the purpose of reading the bill the second time.

Upon which the ayes and noes were demanded by Messrs. Wendell, Dickinson, and Brown, and the motion as amended prevailed by a vote as follows:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, and West—28.

NOES—Messrs. Gorman, Johnson, Kane, Satterwhite, Watson, Wendell, and Zuck—7.

The bill was read the second time, ordered on file and printed.

Mr. Sears, by consent, and under a suspension of the rules, introduced a bill to be numbered Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners.

Read first time, and referred to the Committee on Corporations.

By Mr. Ryan: Senate Bill No. 57—An Act in relation to the currency of the United States.

Read first time, and referred to the Committee on Judiciary.

By Mr. Chase: Senate Bill No. 58—An Act to restrict and limit titles to real estate.

Read first time, and referred to the Committee on Agriculture.

By Mr. Hittell: Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders holding a majority of the shares of stock thereof, and electing other officers.

Read first time, and referred to Committee on Corporations.

RECESS.

At one o'clock and thirty minutes P. M. the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

On motion of Mr. Dickinson, leave of absence for one day was granted to Messrs. Pardee and Brown.

REPORT.

Mr. Zuck, Chairman of the Committee on Contingent Expenses and Mileage, submitted a supplementary report, as follows:

SENATE CHAMBER, SACRAMENTO, January 17th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage desire to report, that the resolution offered this morning, in reference to Newton Benedict as temporary Minute Clerk, was intended to read that there should be paid to the said temporary Minute Clerk for his services, in addition to what had heretofore been allowed him, the sum of eighty dollars as per diem for ten days, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

Resolved, That the above correction be made to our report of this forenoon.

ZUCK, Chairman.

Report and resolution adopted.

RESOLUTIONS.

On motion of Mr. Ryan, the rules were suspended to allow him to introduce Joint Resolution No. 1, in reference to an appropriation from the General Government for the improvement of Humboldt Bay.

Read and adopted.

By Mr. Watson:

Resolved, That the Committee on State Prisons, of the Senate, be and they are hereby authorized and directed to visit the State Prison at San Quentin, and the Branch State Prison at Folsom, when in their judgment it is necessary so to do, and are hereby granted leave of absence for such purposes.

Adopted.

READING OF BILLS RESUMED.

By Mr. Satterwhite: Senate Bill No. 61—An Act to establish a system of fees.

Also: Senate Bill No. 62—An Act to amend certain sections of the Political Code contained in chapters one, two, three, four, and five, part four, title two, and to add other sections thereto, and to establish a system of county governments.

Each of the above bills was read first time, and referred to Committee on County Governments.

By Mr. Johnson: Senate Bill No. 63—An Act to provide for the speedy completion of the Branch State Prison at Folsom.

Read first time, and referred to Committee on State Prisons.

Read first time; rules suspended, read second time, and ordered on general file.

Also: Senate Bill No. 64—An Act for the relief of Henry Lienburger.

Read first time, and referred to Committee on Claims.

Also: Senate Bill No. 65—An Act for the relief of Green & Trainor.

Read first time, and referred to Judiciary Committee.

By Mr. Kane: Senate Bill No. 66—An Act concerning the Board of State Harbor Commissioners.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Nelson: Senate Bill No. 67—An Act repealing section four hundred and twenty of the Penal Code, in reference to the inciting of riots, etc.

Read first time, and referred to Judiciary Committee.

By Mr. Enos: Senate Bill No. 68—An Act to establish and maintain technical schools in the State of California.

Read first time, and referred to Committee on Education.

Also: Senate Bill No. 69—An Act requiring elected officials to take and subscribe an oath as to certain things.

Read first time, and referred to Judiciary Committee.

By Mr. Brown: Senate Bill No. 70—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Enos: Senate Bill No. 71—An Act to amend section eighteen hundred and eighty of the Code of Civil Procedure.

Read first time, and referred to Judiciary Committee.

By Mr. Kane: Senate Bill No. 72—An Act concerning police regulations in cities having a population of one hundred thousand or more.

Read first time.

Mr. Enos moved to refer the bill to the San Francisco delegation.

Mr. Hittell offered an amendment, to refer it to the Committee on City and Town Governments.

Upon the motion to refer to the Committee on County and Township Governments, the ayes and noes were demanded by the requisite number, and the resolution was lost by a vote as follows:

AYES—Messrs. Anderson, Baker, Burt, Dickinson, Hill, Hittell, Sears, and Zuck—8.

NOES—Messrs. Chase, Cheney, Conger, Davis, Enos, George, Glasecock, Gorman, Harlan, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, Watson, and West—21.

By Mr. Satterwhite: Senate Bill No. 73—An Act to amend the Civil Code with respect to the measure of damages in certain cases.

Read first time, and referred to the Judiciary Committee.

By Mr. Chase: Senate Bill No. 74—An Act to amend certain sections of the Political Code concerning County Treasurers.

Read first time, and referred to the Committee on County and Township Governments.

By Mr. Kane: Senate Bill No. 75—An Act to provide for regulating paid fire departments in cities of the State of California having a population of one hundred thousand or more.

Read first time, and referred to the San Francisco delegation.

The President announced that Senate Bill No. 83 had been printed, and was now ready to distribute.

Mr. Davis moved to suspend the rules to take up the bill out of its order.

Carried.

Senate Bill No. 83—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Mr. Dickinson moved that section fifteen, of article four, of the Constitution, be dispensed with, and that the bill be placed on its third reading and passage, being a case of urgency.

Upon which the roll was called, and the motion prevailed by a vote as follows:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Davis, Dickinson, Enos, George, Glasecock, Harlan, Hill, Hittell, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Ryan, Sears, Watson, and West—23.

NOES—Messrs. Gorman, Johnson, Kane, Satterwhite, and Zuck—5.

Mr. Sears moved to recommit the bill to its author, with special instructions to amend by striking out twenty thousand dollars and inserting three hundred and fifty dollars.

Carried.

By Mr. Ryan: Senate Bill No. 76—An Act to amend section three thousand three hundred and fifty of the Political Code.

Read first time, and referred to Judiciary Committee.

By Mr. Johnson: Senate Bill No. 77—An Act making an appropriation for the State Printing Office, for the fiscal year ending June thirtieth, eighteen hundred and eighty.

Read first time.

By Mr. Brown (by request): Senate Bill No. 78—An Act to pay the claim of Hiram Clock, for services rendered as Porter to the Senate of the Twenty-second Session.

Also (by request): Senate Bill No. 79—An Act to pay the claim of James Saultry, for services rendered as Head Porter of the Senate of the Twenty-second Session.

By Mr. Enos: Senate Bill No. 80—An Act to nullify and disaffirm certain resolutions and orders of the Board of Supervisors of the City and County of San Francisco whereby railroad franchises have been granted.

Each of the above bills was read first time, and referred to Judiciary Committee.

Also: Senate Bill No. 81—An Act to amend section one thousand one hundred and twenty of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

By Mr. Neumann: Senate Bill No. 82—An Act entitled "An Act amendatory of section four thousand and six of the Political Code."

Read first time, and referred to the Committee on County and Township Governments.

INTRODUCTION OF BILLS.

Bills were introduced, to be numbered as follows:

By Mr. Johnson: Senate Bill No. 85—An Act concerning the preservation of the public health.

Read first time, and referred to the Committee on Hospitals.

By Mr. West: Senate Bill No. 86—An Act entitled "An Act prescribing what are transportation companies doing business within this State."

Read first time, and referred to Committee on Corporations.

By Mr. Kane: Senate Bill No. 87—An Act designating the places in which polls shall be located.

Read first time, and referred to Committee on Elections.

By Mr. Enos: Senate Bill No. 88—An Act to amend section number one thousand one hundred and eighteen of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 89—An Act providing a punishment for violating section seventeen of article eleven of the Constitution.

Read first time, and referred to the Judiciary Committee.

By Mr. Gorman: Senate Bill No. 90—An Act relative to mechanics liens.

By Mr. Johnson (by request): Senate Bill No. 91—An Act to repeal an Act entitled an Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplemental thereto, approved March thirty-first, eighteen hundred and seventy-six.

Each of the above bills was read first time, and referred to Judiciary Committee.

Also: Senate Bill No. 92—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-five of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the State Library.

Read first time, and referred to Committee on State Library.

By Mr. Hittell: Senate Bill No. 93—An Act to amend section one hundred and thirty of the Code of Civil Procedure, relating to rules of Courts.

Read first time, and referred to Judiciary Committee.

Also: Senate Bill No. 94—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, relating to ministerial officers of the Supreme Court.

By Mr. Nye: Senate Bill No. 95—An Act to amend section nine hundred and fifty of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.

By Mr. Ryan: Senate Bill No. 96—An Act to amend sections

one (1) and two (2) of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps, upon the logs cut and hauled by the persons who employ them," approved March thirtieth (30th), A. D. one thousand eight hundred and seventy-eight (1878).

Each of the above bills was read first time, and referred to Judiciary Committee.

By Mr. Watson: Senate Bill No. 97—An Act to repeal section four thousand two hundred and twenty-one (4221) of an Act entitled "An Act to establish a Political Code," approved March twelfth (12th), eighteen hundred and seventy-two, relating to Auditor and County Judge counting money in treasury, and making statement of the same.

Read first time, and referred to the Committee on City and County Governments.

Mr. Davis submitted the following report:

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 83, with special instructions in regard thereto, beg leave to report the same back to the Senate with the amendment as directed, to wit, to strike out the words "twenty thousand" and insert in lieu thereof the words "three hundred and fifty."

DAVIS, for Committee.

Amendment concurred in.

SECOND READING OF BILLS.

Senate Bill No. 77—An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

Considered in Committee of the Whole.

IN SENATE.

Reported with a recommendation that the bill be referred to the Printing Committee with special instructions to itemize same, etc.

Mr. Johnson moved an amendment, as follows: That the bill be re-referred to the Committee on Public Printing, with instructions to amend the bill by itemizing the amounts to be expended, and to make any changes they see proper.

Recommendation of Committee of the Whole, as amended, adopted.

On motion of Mr. Ryan, the rules were suspended, and two hundred copies additional of Senate Bills Nos. 61 and 62 were ordered printed.

RESOLUTIONS.

Resolutions were introduced, as follows:

By Mr. Nye:

Resolved, That the Judiciary Committee of the Senate be and it is hereby authorized to employ a Clerk, to be paid out of the Contingent Fund of the Senate.

Adopted.

By Mr. Kelly:

Resolved, That the Postmaster of the Senate be authorized to contract for a letter-box at the main office, for the use of the Senate; said box to be paid for out of the fund for contingent expenses.

Adopted.

Mr. Chase introduced Joint Resolution No. 1, relating to the free coinage of silver, and making the same equally a legal tender with gold, and also to secure the retirement of bank notes.

Read first time, and referred to Committee on Federal Relations.
By Mr. Dickinson:

Resolved, That the Secretary of State be and he is hereby authorized and directed to furnish and supply to the Sergeant-at-Arms of the Senate, from time to time as is needed, sufficient legal cap, letter and note paper, envelopes, pens, and ink, and blotting paper, for the use of Senators in the transaction of the business of the session, the same to be paid for out of the Contingent Fund of the Senate.

By Mr. Satterwhite:

Resolved, That each member of the Senate is allowed twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Senate.

Each of the above resolutions was referred to the Judiciary Committee, to be reported on Monday, January nineteenth, eighteen hundred and eighty.

By Mr. Johnson, a resolution providing for Clerks to committees.

By Mr. Enos, providing for a Clerk to the San Francisco delegation.

Each referred to the Committee on Contingent Expenses.

By Mr. Cheney:

Resolved, That August Rose be and he hereby is appointed Outside Page of the Senate and Sergeant-at-Arms of the Judiciary Committee, at a per diem of three dollars, to be paid out of the Contingent Fund of the Senate.

Mr. Burt moved to refer to the Committee on Contingent Expenses.

Upon which the ayes and noes were demanded by Messrs. Davis, Satterwhite, and Burt, and the Senate refused by a vote as follows:

AYES—Messrs. Baker, Burt, Davis, Hill, Hittell, Lampson, Nye, Ryan, Sears, Watson, West, and Zuck—12.

NOES—Messrs. Anderson, Brown, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Johnson, Kane, Kelly, Moreland, Nelson, Pool, and Satterwhite—18.

At five o'clock and fifteen minutes P. M., Mr. Zuck moved to adjourn, on which the ayes and noes were demanded by the requisite number, and the Senate refused by a vote as follows:

AYES—Messrs. Baker, Burt, Davis, Hill, Lampson, Pool, and Zuck—7.

NOES—Messrs. Anderson, Brown, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Johnson, Kane, Kelly, Moreland, Nelson, Nye, Ryan, Satterwhite, Sears, Watson, and West—23.

Mr. Davis offered an amendment to reduce the per diem to two dollars.

Lost.

When the resolution, as offered by Mr. Cheney, was adopted.

The President appointed the following Committee on Labor and Capital:

On Labor and Capital—Messrs. Zuck, Watson, Carlock, Enos, and Chase.

Also, Messrs. Conger and Johnson as the additional members of the Committee on Education.

ADJOURNMENT.

At five o'clock and seventeen minutes P. M., on motion of Mr. Brown, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Monday, January 19th, 1880. }

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of the Journal of Saturday, on motion of Mr. Gorman further reading was dispensed with, and the same approved.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 17th, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly has, this day, adopted Assembly Concurrent Resolution No. 9, expressing sympathy for the people of Ireland.

J. M. WRIGHT, Assistant Clerk.

Resolution read first time, and referred to the Committee on Federal Relations.

On motion of Mr. Satterwhite, leave of absence for one day was granted Mr. Hudson.

INTRODUCTION AND READING OF BILLS.

By Mr. Johnson: Senate Bill No. 98—An Act to provide for the government of the State Library.

Read first time, and referred to the Committee on State Library.

Also: Senate Bill No. 99—An Act to amend sections one thousand one hundred and eighty-one and one thousand one hundred and eighty-two of the Penal Code of California.

Read first time, and referred to the Judiciary Committee.

By Mr. Kane: Senate Bill No. 100—An Act concerning Boards of Health.

Read first time, and referred to the San Francisco delegation.

By Mr. Moreland: Senate Bill No. 101—An Act providing for the assessment and collection of taxes.

Read first time, and referred to the Committee on Finance.

By Mr. Davis: Senate Bill No. 83—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Upon motion of Mr. Davis it was taken up out of order, the rules suspended, considered engrossed, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—32.

NOES—Messrs. Johnson and Kane—2.

By Mr. Satterwhite: Senate Bill No. 102—An Act to amend that part of the Political Code relating to schools, and to repeal other Acts relating thereto.

Read first time, and referred to the Committee on Education.

Also: Senate Bill No. 103—An Act to amend sections two hundred and forty-five, two hundred and forty-eight, and two hundred and forty-nine of the Political Code, relating to Clerks of the Senate and Assembly.

Read first time, and referred to the Committee on Contingent Expenses.

By Mr. Wendell: Senate Bill No. 104—An Act to amend section six hundred and thirty-four of the Penal Code, relating to violations of the law for the preservation of fish.

Read first time, and referred to the Committee on Fisheries and Game.

By Mr. Enos: Senate Bill No. 105—An Act to repeal an Act entitled an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-eight.

Read first time, and referred to the San Francisco delegation.

Also: Senate Bill No. 106—An Act to repeal an Act entitled "An Act appropriating money for the conservation of the public peace," approved March thirtieth, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Finances.

Also: Senate Bill No. 107—An Act relating to and defining to whom licenses shall not be issued.

Read first time, and referred to Committee on Chinese and Chinese Emigration.

RESOLUTION.

By Mr. Johnson:

WHEREAS, The contractor for building the Branch State Prison, at Folsom, failed to comply with the terms of his contract, and abandoned the work: and whereas, by reason thereof, numbers of workmen and laborers were left unpaid; therefore,

Resolved, That the Committee on State Prisons be and they are hereby directed to inquire into the circumstances attending the failure of said contractor, and ascertain what, if any, steps should be taken by the State in reference to securing the pay due said workmen and laborers.

Adopted.

Mr. Enos introduced Concurrent Resolution No. 10, relating to the Franco-American treaty.

Read first time, and referred to Committee on Federal Relations.

By Mr. Baker: Senate Concurrent Resolution No. 11—relating to the manufacturing of jute at the State Prisons.

Read first time, and referred to Committee on State Prisons.

RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

RE-ASSEMBLED.

Senate re-assembled at one o'clock and thirty minutes P. M.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Members: Anderson, Baker, Bart, Brown, Canfield, Chase, Channing, Conger, Davis, Dickinson, Evans, George, Gresham, Harrison, Hendon, Hill, Howell, Hutton, Johnson, Johnston, Johnson, Kelly, Kelly, Langford, Langford, Marshall, Nelson, Newcomb, Nye, Parker, Paul, Russell, Ryan, Satterwhite, Sears, Taylor, Watson, Wagoner, West, and Zerk.

GENERAL FILE.

Assembly Bill No. 1—An Act to repeal an Act entitled "An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county and to condemn and purchase private property for that purpose," approved March twenty-seventh, eighteen hundred and seventy-six.

Read third time, and passed by the following vote:

Ayes—Messrs. Baker, Bart, Brown, Canfield, Chase, Channing, Conger, Davis, Dickinson, Evans, Gresham, Harrison, Hendon, Johnson, Johnston, Johnson, Newcomb, Nye, Parker, Paul, Russell, Ryan, Satterwhite, Sears, Taylor, Watson, Wagoner, West, and Zerk—27.

Nays—Messrs. Anderson, George, Gresham, Hill, Howe, Kelly, Langford, Marshall, Nelson, Ryan, Satterwhite, and Zerk—12.

The bill was then read by title, and the title approved as read.

ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 20th, 1880. }

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Members: Anderson, Baker, Bart, Brown, Canfield, Chase, Channing, Conger, Davis, Dickinson, Evans, George, Gresham, Harrison, Hendon, Hill, Howell, Hutton, Johnson, Johnston, Johnson, Kelly, Langford, Langford, Marshall, Nelson, Newcomb, Nye, Parker, Paul, Russell, Ryan, Satterwhite, Sears, Taylor, Watson, Wagoner, West, and Zerk.

Quorum present.

On motion of Mr. Enos, leave of absence was granted Mr. Kane on account of sickness.

Journal of yesterday read and approved.

PETITION.

Mr. Moreland presented a petition from the taxpayers and residents of Sonoma County, favoring the passage of an Act authorizing the holding of Superior Courts at Petaluma, Sonoma County.

Read and referred to the Judiciary Committee.

REPORTS.

Mr. Nye, Chairman of the Judiciary Committee, submitted the following reports:

The Judiciary Committee, to whom was referred Senate Bill No. 19—An Act relating to the foreclosure of mortgages—have considered the same, and report the same back with the recommendation that the bill be indefinitely postponed.

NYE, Chairman.

Adopted.

Also:

The Judiciary Committee, to whom was referred Senate Bill No. 26—An Act to amend section seven hundred and fifty one of the Political Code, relating to District Courts of the Supreme Court—report that they have considered the same, and report it back with the recommendation that it be passed with the amendment thereto attached by the committee.

NYE, Chairman.

Adopted.

Also:

SENATE CHAMBER, Monday, January 19th, 1880.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Resolution No. 19, now respectfully return the same to the Senate, with the recommendation that it be laid on the table.

NYE, Chairman.

Adopted.

The above bills were ordered on the general file.

Also:

SENATE CHAMBER, Monday, January 19th, 1880.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Resolution No. 20, now respectfully return the same to the Senate with the recommendation that it be adopted.

NYE, Chairman.

Adopted.

By Mr. Cheney:

SENATE CHAMBER, January 19th, 1880.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report as correctly engrossed the following Senate Bill, viz., No. 83.

CHENEY, Chairman.

Adopted.

By Mr. Dickinson (by request):

MR. PRESIDENT: Your Committee on Inauguration Ceremonies beg leave to report that the expenses of said ceremonies amounted to eight hundred and seventy-nine dollars and seventy-five cents, and, by arrangement with a committee from the Assembly, the Assembly is to pay four hundred and three dollars and fifty cents of said amount, and the Senate is to pay the balance, four hundred and seventy-six dollars and twenty-five cents, and we respectfully ask that the said amount be at once paid, and your committee discharged.

DICKINSON, Chairman.

Adopted.

RESOLUTIONS.

By Mr. Nye, Chairman of the Judiciary Committee:

Resolved, That the Secretary of State be and he is hereby authorized and directed to furnish and supply to the Sergeant-at-Arms of the Senate, from time to time as needed, sufficient legal cap, letter and note paper, and envelopes, pens and ink and blotting pads, for the use of Senators in the transaction of the business of the session, the same to be paid for out of the Contingent Fund of the Senate.

Adopted.

Also:

Resolved, That each member of the Senate be allowed twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Senate.

Adopted.

By Mr. Dickinson:

Resolved, That the sum of four hundred and seventy-six dollars and twenty-five cents be paid out of the Contingent Fund of the Senate to the Sergeant-at-Arms of the Senate, to be by him used in discharging the bills incurred by the Committee on Inauguration Ceremonies.

Adopted.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Hittell: Senate Bill No. 109—An Act to amend sections three hundred and sixty-seven, three hundred and seventy-two, and three hundred and seventy-three, of the Code of Civil Procedure, relating to parties to civil actions.

Also: Senate Bill No. 110—An Act to add a new section to the Code of Civil Procedure, relating to the place of commencement of certain actions respecting real estate.

Also: Senate Bill No. 111—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of the trial of civil actions.

Also: Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions.

Also: Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three, of the Code of Civil Procedure, relating to pleadings in civil actions.

Also: Senate Bill No. 114—An Act to amend sections four hundred and eighty, four hundred and ninety-three, five hundred and twenty-five, five hundred and forty-eight, five hundred and fifty-four, five hundred and fifty-six, and five hundred and sixty-five, of the Code of Civil Procedure, relating to provisional remedies in civil actions.

Also: Senate Bill No. 115—An Act to amend section five hundred and ninety-three of the Code of Civil Procedure, relating to entry of civil causes on Court calendars.

Also: Senate Bill No. 116—An Act to amend sections six hundred and thirteen, six hundred and seventeen, and six hundred and eighteen, of the Code of Civil Procedure, relating to trials by jury in civil actions.

Also: Senate Bill No. 117—An Act to repeal section six hundred and sixty-three of the Code of Civil Procedure.

Also: Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section, of said part one, and substituting a new part one, to take the place thereof in said Code, relating to Courts of justice and the various officers connected therewith.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Baker: Senate Bill No. 119—An Act to provide for the redemption of bonds of the State of California held in private hands.

Read first time, and referred to the Committee on Finance.

By Mr. Burt: Senate Bill No. 120—An Act prescribing the manner of assessing the capital stock and franchises of corporate companies and joint stock associations.

Read first time, and referred to the Committee on Finance.

By Mr. Pardee: Senate Bill No. 121—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Oakland,'" passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two.

Read first time, and referred to Judiciary Committee.

By Mr. Traylor (by request): Senate Bill No. 122—WHEREAS, Heretofore, on the sixth day of February, eighteen hundred and seventy-nine, Hermann Kohler, a freeman, then being employed as a foreman mechanic in the California Furniture Manufacturing Company's shops, at the San Quentin State Prison, was most brutally assaulted and murdered by one Dever, a convict laboring in the shops under him; and, whereas, the said Dever has since been indicted, tried, convicted, and hung; and, whereas, the widow and family of the said Kohler were left in destitute circumstances; therefore, as an act of justice, the Legislature enacts as follows: An Act appropriating money for the relief of Mrs. Louisa Kohler.

Read first time, and referred to the Judiciary Committee.

By Mr. Enos: Senate Bill No. 123—An Act to amend section number one thousand two hundred and eighty-one of the Political Code.

Read first time, and referred to the Committee on Elections.

RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anterson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

REPORT.

Mr. Hill, Chairman of the Committee on Public Printing, submitted the following report:

MR. PRESIDENT: The Committee on Public Printing, to whom was referred Senate Bill No. 77, entitled "An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty," with instructions to furnish an itemized estimate, and amend said bill as to the committee should seem fit, have had the same under consideration, and beg leave to submit the following report—the items in the estimate having been furnished us by the Superintendent of State Printing:

ESTIMATE.

Permanent Material.—Press, \$4,185; 5,000 pounds long primer at 47 cents per pound, \$2,350; 1,000 pounds pica at 47 cents, \$470; 200 pounds sorts and job type at 50 cents, \$100.

Wages.—Thirteen weeks, \$1,600 per week, \$20,800; six weeks, \$300 per week, \$1,800; total, \$22,600.

Miscellaneous.—Wood, \$1,200; ink, \$400; rollers, \$175; tools and repairs, \$500; gas, \$200; water, \$90; keeping horse, \$150; lithographing, \$1,000; binding, \$9,000; telegraphing, expressage, drayage, horseshoeing, postage, plumbing and gasfitting, etc., \$1,000; paper, envelopes, etc., \$5,000. Total, \$48,420.

The said Senate Bill No. 77 is herewith reported back, with the recommendation that it do pass without amendment.

HILL, Chairman.

Mr. Sears moved that the report be recommitted to the Committee on Public Printing, with special instructions to itemize the bill and re-report.

Lost.

On motion of Mr. Davis, Senate Bill No. 77, entitled "An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty," was taken up, the rules were suspended, read third time, and passed by the following vote:

Ayes.—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Satterwhite, T aylor, Watson, Wendell, and Zuck—28.

Noes.—Messrs. Cheney, Enos, Glascock, Nelson, Pool, Ryan, and West—7.

The bill was then read by title, and the title approved as read.

Leave of absence for two hours was granted to Messrs. Brown and Carlock.

Mr. Johnson was granted leave of absence for the afternoon.

FURTHER INTRODUCTION AND READING OF BILLS.

By Mr. Hittell: Senate Bill No. 124—An Act to amend sections seven hundred and fourteen and seven hundred and fifteen of the Code of Civil Procedure, relating to proceedings supplementary to execution.

Also: Senate Bill No. 125—An Act to amend sections seven hundred and forty-two, seven hundred and fifty-five, seven hundred and ninety-four, eight hundred and two, eight hundred and four, eight hundred and sixteen, and eight hundred and twenty-six of the Code of Civil Procedure, relating to actions in particular cases.

By Mr. Enos: Senate Bill No. 126—An Act relating to foreign insurance companies.

Each of the above bills read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 127—An Act to add certain new sections to the Civil Code, concerning gas corporations (part four, title fifteen).

Read first time, and referred to the Committee on Corporations.

By Mr. Nelson: Senate Bill No. 128—An Act relating to Boards of Education.

Read first time, and referred to the Committee on Education.

By Mr. Johnson: Senate Bill No. 129—An Act to confer jurisdiction in the Superior Courts in certain special cases.

Read first time, and referred to the Committee on Claims.

SENATE CONCURRENT RESOLUTION.

Mr. Dickinson presented Senate Concurrent Resolution No. 12, authorizing the appointment of three members from each House, whose duty it shall be to present a case (based upon the passage of Senate Bill No. 83) before the Supreme Court, relating to the reading of bills three times at length.

Read and adopted.

The Secretary announced a message from the Governor.

Message received, and placed on the general file.

REPORTS.

Mr. Zuck, Chairman of the Committee on Contingent Expenses and Mileage, submitted the following report:

MR. PRESIDENT: Your Committee on Mileage would respectfully report that the following named Senators, members of the State Prison Committee, are each entitled to the sums set opposite their respective names, for mileage in traveling to and from Folsom on committee duty:

Senator Watson.....	\$1 80
Senator Sears.....	4 80
Senator Lampson.....	4 80
Senator Moreland.....	4 80
Senator Johnson.....	4 80
Senator Nye.....	4 80
Senator Kane.....	4 80
Senator Langford.....	4 80

And recommend the adoption of the following resolution:

Resolved, That the sum of four dollars and eighty cents is hereby allowed to each of the above named Senators, and that the Controller be ordered to draw his warrant for said sums, respectively, payable out of the appropriation for the contingent expenses of the Senate.

ZUCK, Chairman.

Adopted.

Also:

WHEREAS, The Committee on Contingent Expenses and Mileage, through a clerical mistake, made the amount due as mileage to Senator Baker read thirty-five dollars and sixty cents instead of twenty-five dollars and sixty cents, the correct amount, and a warrant has been issued in the sum of thirty-five dollars and sixty cents; now, therefore, in consideration of the premises, and for the purpose of correcting said mistake, be it

Resolved, That the State Controller, on the surrender and return of the aforesaid warrant in the sum of thirty-five dollars and sixty cents to him, be and is hereby directed to cancel the same, and issue to Senator Baker in lieu thereof a warrant of twenty-five dollars and sixty cents in full payment of mileage.

We recommend the passage of the above.

ZUCK, Chairman.

Adopted.

Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

On motion of Senator Zuck, leave of absence for one day was granted Senator Sears.

Also, on motion of Senator Enos, Senator Kane was granted one day's leave of absence owing to sickness.

The Journal was read, and on motion of Mr. Dickinson, was ordered amended, so as to show that a resolution, relating to the furnishing of stationery to the members of the Senate, introduced by Mr. Dickinson on the seventeenth, referred to the Judiciary Committee, was reported back by that committee with the recommendation that the same be laid on the table, and was so laid on the table, instead of being introduced by Mr. Nye, and adopted by the Senate, as appeared in the Journal of Tuesday.

Mr. Hittell moved that the rules be suspended, and Senate Bill No. 56 be taken up out of its order, and placed upon its passage.

Lost.

REPORTS.

The following reports were presented:

By Mr. Neumann:

MR. PRESIDENT: Your Committee on Elections respectfully report that in the matter of the contest between M. C. Conroy, contestant, and C. C. Conger, respondent, the contestant at the hearing withdrew from and waived his contest, and that C. C. Conger, the sitting member, is entitled to his seat.

NEUMANN, Chairman.

By Mr. Cheney:

SACRAMENTO, January 20th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined and found correctly engrossed Senate Bill No. 77—An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

CHENEY, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, January 20th, 1880. }

To the Senate of the State of California:

I have the honor to transmit to your honorable body the Report of the State Board of Examiners, and as there is but one copy thereof I respectfully ask that the Assembly may be notified of its receipt.

GEORGE C. PERKINS, Governor.

Mr. Johnson moved that the report be printed, and that the Secretary notify the Assembly that the same had been received.

Carried.

INTRODUCTION AND READING OF BILLS.

By Mr. Johnson: Senate Bill No. 130—An Act to create and maintain a labor bureau, and a bureau of land, labor, capital, social, vital, and industrial statistics.

Read first time, and referred to the Committee on Labor and Capital.

By Mr. Dickinson: Senate Bill No. 131—An Act for the relief of

insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

Read first time, and referred to the Judiciary Committee.

By Mr. Ryan: Senate Bill No. 132—An Act to appropriate moneys out of the General Fund in the State treasury to pay the Clerk of the State Board of Equalization for services rendered as such Clerk.

Read first time, and referred to the Committee on Claims.

By Mr. West: Senate Bill No. 133—An Act to amend an Act entitled an Act to provide for the extermination of squirrels in certain counties, approved March thirtieth, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Agriculture.

By Mr. Neumann: Senate Bill No. 134—An Act for the classification of cities and towns.

Also: Senate Bill No. 135—An Act for the government of cities of the fourth class.

Also: Senate Bill No. 136—An Act for the government of cities of the third class.

Each of the above bills read first time, and referred to the Committee on City and Town Governments.

By Mr. Davis: Senate Bill No. 137—An Act to amend sections twelve hundred and twenty-seven (1227) and twelve hundred and thirty-three (1233) of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the voluntary dissolution of corporations, approved March eleventh, eighteen hundred and seventy-two.

Read first time, and referred to the Judiciary Committee.

By Mr. Enos: Senate Bill No. 138—An Act providing for the assessment of property, and the manner for collecting taxes together with income taxes.

Read first time, and referred to the Committee on Finance.

Mr. Enos moved that twice the usual number of copies of Senate Bill No. 138 be printed and distributed.

Carried.

Mr. Dickinson made the same motion in regard to Senate Bills Nos. 101 and 131.

Carried.

By Mr. Hittell: Senate Bill No. 139—An Act to repeal chapters four and five, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters four and five, relating to appeals in civil actions.

Also: Senate Bill No. 140—An Act to amend sections nine hundred and forty-three, nine hundred and forty-eight, and nine hundred and fifty-nine, of the Code of Civil Procedure, relating to appeals in civil actions.

Also: Senate Bill No. 141—An Act to amend chapters two and three, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three, to take the place thereof in said Code, relating to appeals in civil actions.

Each of the above bills read first time, and referred to the Judiciary Committee.

SECOND READING OF BILLS.

Senate Bill No. 63—An Act to provide for the speedy completion of the Branch State Prison at Folsom.

Read second time, and, upon motion of Mr. Johnson, it was made the special order for Wednesday, January twenty-eighth, at one o'clock and thirty minutes P. M.

Senate Bill No. 19—An Act relating to foreclosure of mortgages.

Amended by Mr. Ryan, which amendment was adopted, bill read second time, and ordered engrossed.

Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Amendment adopted as reported.

Bill read second time, and ordered engrossed.

RECESS.

The hour of recess having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

RESOLUTIONS.

By Mr. Davis:

Resolved, That the President of the Senate be and he is hereby authorized to appoint a Day Watchman for the Senate, and a Porter for the committee-rooms; also, a Rear Porter, at a per diem now allowed by law.

Adopted.

Also, a resolution authorizing the Committee on Education to employ a Clerk, which was referred to the Committee on Contingent Expenses.

By Mr. Johnson:

Resolved, That one hundred copies each be printed of Senate Bills Nos. 1, 2, 3, 4, 6, 26, 20, 11, and 42 for the use of the Senate, and two hundred copies of Senate Bill No. 7.

Adopted.

By Mr. Dickinson:

Resolved, That the Committees on Commerce and Navigation and on Military Affairs be and they are hereby authorized to employ one Clerk, who shall act as Clerk of each and all of said committees, and for such service he shall receive a per diem of five dollars, to be paid out of the Contingent Fund of the Senate.

Adopted.

On motion of Mr. Brown, leave of absence for one day was granted Messrs. Johnston and Traylor.

Senator Baker gave written notice that, to-morrow, he would move to amend Standing Rule One of the Senate.

RESOLUTIONS.

By Mr. Wendell—A resolution relating to the appointment of an Assistant Minute Clerk of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. Enos: Senate Concurrent Resolution No. 13—Relating to railroad companies and land patents.

Read first time, and referred to the Committee on Federal Relations.

By Mr. Chase: Joint Resolution No. 3—Requesting our representatives in Congress to use their influence to secure the passage of such laws as will prohibit the importation of liquors.

Read first time, and referred to the Committee on Public Morals.

By Mr. Gorman: Senate Concurrent Resolution No. 14—Relating to the Burlingame Treaty.

Read first time, and referred to the Committee on Chinese and Chinese Emigration.

ADJOURNMENT.

At two o'clock P. M., on motion of Mr. Satterwhite, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 22d, 1880. }

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of the Journal, on motion of Mr. Brown, further reading was dispensed with, and the same approved.

On motion of Mr. Enos, one day's leave of absence was granted Mr. Kane on account of sickness.

The Chair, pursuant to resolution of yesterday, offered by Mr. Davis, appointed Joseph Johnson, Day Watchman, and Hank Jones, Rear Porter of the Senate.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 37,

have had the same under consideration, and report the same back to the Senate, and recommend its passage with the following amendments:

Amend title to read as follows: "An Act to amend section eight hundred and eight, of the Penal Code, declaring who are Magistrates."

Insert in lieu of "said," in line one of section one, the words "the Penal."

NYE, Chairman.

Also:

SENATE CHAMBER, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 53, have had the same under consideration, and report the same back to the Senate, and recommend its passage with the following amendments:

Amend title so as to read as follows: "An Act to repeal sections one thousand and twenty-eight, one thousand and thirty, one thousand one hundred and twelve, and one thousand one hundred and forty-three, of the Penal Code, relating to judicial proceedings in criminal cases."

Insert in lieu of "said" the words "the Penal," in line three of section one.

NYE, Chairman.

Also:

SENATE CHAMBER, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 53, have had the same under consideration, and report the same back to the Senate, and recommend its passage with the following amendment:

Amend title so as to read as follows: "An Act to add a new section, to be known as section ninety, to the Penal Code, relating to the crime of lobbying."

NYE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 35, have had the same under consideration, and report the same back to the Senate, and recommend:

First—That the title to said bill be amended to read as follows: "An Act to amend section one thousand and twenty-nine of the Penal Code, relating to prosecutions of Judges of the Superior Courts."

Second—That section one of said bill be amended by substituting the words "the Penal Code" for the words "said Code" in the first line of the section: by striking out the word "the" and inserting "a" before the word "Judge" in line four of the section: by striking out the words "if there be no other Judge of said Court" in lines four and five of said section.

Third—That the bill, as thus amended, be passed.

NYE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 31, have had the same under consideration, and report the same back to the Senate, and recommend its passage, with the following amendments:

Amend title so as to read as follows: "An Act to amend sections one thousand three hundred and thirty-eight and one thousand three hundred and fifty-three of the Penal Code, providing for the examination of witnesses."

Insert in lieu of the word "said" the words "the Penal" in line one of section one.

NYE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 29, have had the same under consideration, and report the same back to the Senate, and recommend that the title of the bill shall be amended to read as follows: "An Act to repeal sections four hundred and ninety-nine and six hundred and eighty-four of the Political Code, relating to the salaries and compensation of public officers."

That section one of the bill be amended by substituting the words "the Political Code" for the words "said Code," in said section; and that the bill thus amended, be passed.

NYE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 28, have had the same under consideration, and report the same back to the Senate, and recommend that the title be amended so that it shall read as follows: "An Act to repeal section four hundred and thirty-eight and twenty-nine of the Political Code, regulating the salaries of County Judges."

That section one of said bill be amended by substituting the words "Political Code" for the words "said Code," found in said section; and that the bill, thus amended, be passed.

NYE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 24—An Act to amend sections six hundred and eighty-nine, one thousand and forty-two, one thousand four hundred and thirty, and one thousand four hundred and thirty-five, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury—have had the same under consideration, and report the same back to the Senate, and recommend—

First—That the title of said bill be amended so as to read: "An Act to amend sections six hundred and eighty-nine, one thousand and forty-two, one thousand four hundred and thirty, and one thousand four hundred and thirty-five of the Penal Code, relating to trials by jury."

Second—That section one of said bill be amended by striking out the word "said" and inserting the words "the Penal" in the first line thereof.

Third—That each section of said bill be amended by striking out from each section the word "section," inclosed in brackets, and that the bill, as thus amended, be passed.

NYE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 23—An Act to amend sections eighty-five, eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen of an Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments—have had the same under consideration, and report the same back to the Senate, and recommend its passage with the following amendments:

Amend the title to read as follows: "An Act to amend sections eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen of the Penal Code, relating to crimes and punishments."

Strike out section one in full.

Make section two section one, and insert instead of "said," the words "the Penal," in the first line of said section.

Make section three section two.

Make section four section three, and have the section read as follows:

"Section two hundred and twenty-seven of said Code is hereby amended so as to read as follows:

"227. Every person who shall fight a duel with deadly weapons, or send, deliver, or accept a challenge to fight a duel with deadly weapons, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall be punishable by imprisonment in the State Prison, or in the county jail, not exceeding one year."

Make section five section four, and insert in line three, in lieu of the words "every person," the words "any citizen of this State," and insert after "who," in same line, "shall," and omit the final "s" from "fights," in same line, and also from "sends" and "accepts," in line four.

Make section six section five.

Substitute for section seven to read as follows:

"Section five hundred and fourteen of said Code is hereby amended so as to read as follows:

"514. Every person guilty of embezzlement is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled: and where the property embezzled is an evidence of debt or right of action, the sum due upon it or secured to be paid by it shall be taken as its value: *provided*, that if the embezzlement or defalcation be of the public funds of the United States, or of this State, of any county, city and county, or municipality within this State, the offense is a felony, and shall be punishable by imprisonment in the State Prison not less than one nor more than ten years: and the person so convicted shall be ineligible, thereafter, to any office of honor, trust, or profit under this State."

Make section eight section seven.

NYE, Chairman.

Mr. Dickinson moved that Senators Sears and Satterwhite be added to the committee heretofore appointed to present Senate Bill No. 83 before the Supreme Court

Carried, and appointment made.

INTRODUCTION OF BILLS.

By Mr. Enos (by request): Senate Bill No. 142—An Act to classify according to population, and to provide for the organization, incor-

puration and government of consolidated cities and counties of over one hundred thousand population.

Mr. Neumann moved that the usual number of copies of the bill be printed, that the same be laid on the table, and made the special order for February second, at half past one o'clock P. M.

The ayes and noes were called for by the requisite number, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Harlan, Hudson, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Ryan, Satterwhite, Seate, Wendell, and West—22.

NOES—Messrs. Baker, Davis, George, Glascock, Gorman, Hill, Hittell, Johnson, Johnston, Moreland, Nelson, Pool, Traylor, and Watson—14.

The Chair announced that the motion was lost, as it required a two-third vote to adopt it.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor, and, on motion of Mr. Neumann, the same were taken up and acted upon:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 22d, 1880.]

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day appointed Isaac Wormser a Trustee of the Asylum for the Deaf, Dumb, and Blind, vice Garber, and respectfully ask the consent of your honorable body thereto.

GEO. C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 22d, 1880.]

To the Senate of the State of California:

I have the honor to transmit to your honorable body the Report of the State Engineer.

GEO. C. PERKINS, Governor.

The following report was received as reported in the Governor's message:

SACRAMENTO, CALIFORNIA, January 21st, 1880.

Hon. John Mansfield, President of the Senate, State of California:

SIR: I herewith submit parts one and two of my official report to the Legislature, being a report on the "history of operations" conducted under my charge, and a report on the "drainage of the valleys, and relief of rivers when in flood," referring particularly to the Sacramento Valley drainage.

Accompanying, you will find a letter introductory to the entire report, and addressed to the Legislature.

I also transmit a communication from Colonel G. H. Mendell, Consulting Engineer.

Very respectfully your obedient servant,

WM. HAM HALL, State Engineer.

SACRAMENTO, CALIFORNIA, January 21st, 1880.

To the Legislature of the State of California:

I have been throughout the history of the State Engineer Department familiar with the character and scope of its field operations. I have also read the report of the State Engineer, so far as it has been prepared, and have consulted and agreed with him in regard to its main propositions.

When the remaining chapters of the report shall be completed, I expect to submit my views upon the general subject.

I am, very respectfully, your obedient servant,

G. H. MENDELL, Consulting Engineer.

Mr. Davis moved that the report of the Consulting and State Engineers be referred to the Committee on Irrigation, Water Rights, and Drainage, and that one thousand copies of the State Engineer's Report be printed.

Carried.

CONFIRMATION.

The Senate was considered as in executive session for the purpose of considering the Governor's appointment.

Upon the question, "Will the Senate advise and consent to the appointment of Isaac Wormser, as Trustee of the Asylum for the Deaf, Dumb, and Blind, vice Garber?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—28.

NOES—None.

Whereupon, the President of the Senate announced the appointment of Isaac Wormser, as Trustee for the Asylum for the Deaf, Dumb, and Blind, duly confirmed.

Mr. Ryan, upon motion of Mr. Pool, was granted one day's leave of absence on account of sickness.

RECESS.

The hour of recess having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampton, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

REPORTS.

Leave being granted, the following reports were presented:

January 22d, 1880.

Resolved, That Percy Rose be and is hereby allowed the sum of three dollars per diem, from date of his appointment as Page of the Senate, payable out of the appropriation for the contingent expenses of the Senate.

The Committee on Contingent Expenses and Mileage recommend the passage of the above resolution.

ZUCK, Chairman.

Adopted.

Also:

January 22d, 1880.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the resolution regarding the appointment of an Assistant Minute Clerk, have had the matter under consideration, and recommend the adoption of the following:

Resolved, That the Minute Clerk be and is hereby authorized to appoint an Assistant Minute Clerk, at the per diem of six dollars, dating from January nineteenth, payable out of the appropriation for contingent expenses of the Senate.

ZUCK, Chairman.

Adopted.

Also:

January 22d, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the resolution regarding the appointment of a Clerk for the Committee on Education, have had the same under consideration, and recommend the following:

Resolved, That the Committee on Education be and it is hereby authorized to appoint a Clerk at the per diem of five dollars, payable out of the appropriation for contingent expenses of the Senate.

ZUCK, Chairman.

Adopted.

FURTHER READING OF BILLS.

Further reading of Senate Bill No. 142 continued.

Read first time.

Mr. Neumann moved to refer the above bill to the Committee on City and Township Governments.

Ayes and noes were called for by Messrs. Johnson, Gorman, and Chase, with the following result:

AYES—Messrs. Dickinson, Mill, Hittell, Neumann, Rowell, Traylor, Watson, and West—8.

NOES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Satterwhite, Sears, Wendell, and Zuck—25.

Lost.

On motion of Mr. Enos, the bill was referred to the San Francisco delegation.

FURTHER INTRODUCTION AND READING OF BILLS.

By Mr. Enos: Senate Bill No. 143—An Act to repeal an Act entitled "An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco," approved March twenty-seventh, eighteen hundred and seventy-six.

Read first time, and referred to the San Francisco delegation.

By Mr. Neumann: Senate Bill No. 144—An Act to amend section three hundred and fifty-nine of the Civil Code, providing for the increase of the capital stock of corporations.

Read first time, and referred to the Committee on Corporations.

By Mr. Hittell: Senate Bill No. 145—An Act to amend section one thousand of the Code of Civil Procedure, relating to inspection of writings.

Also: Senate Bill No. 146—An Act to amend sections one thousand and four and one thousand and five of the Code of Civil Procedure, relating to motions and orders in civil actions.

Also: Senate Bill No. 147—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure, relating to the time within which certain acts are to be done.

Also: Senate Bill No. 148—An Act to amend section one thousand and fifty-five of the Code of Civil Procedure, relating to actions against Sheriffs.

Also: Senate Bill No. 149—An Act to repeal section one thousand and fifty-six of the Code of Civil Procedure.

Also: Senate Bill No. 150—An Act to amend section one thousand and fifty-eight of the Code of Civil Procedure, relating to civil actions wherein the State or an officer thereof, or a county, city, or town, is a party.

Also: Senate Bill No. 151—An Act to amend section one thousand one hundred and eight of the Code of Civil Procedure, relating to writs of review, mandate, or prohibition.

Also: Senate Bill No. 152—An Act to amend sections one thousand one hundred and fifteen, one thousand one hundred and sixteen, one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty, one thousand one hundred and twenty-four, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, and one thousand one hundred and twenty-seven, of the Code of Civil Procedure, relating to contesting certain elections.

Also: Senate Bill No. 153—An Act to amend section one thousand one hundred and forty-four of the Code of Civil Procedure, relating to discharge of persons imprisoned on civil process.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Dickinson: Senate Bill No. 154—An Act to amend sections four hundred and sixteen, one thousand nine hundred and seventeen, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty-one, one thousand nine hundred and fifty-five, one thousand nine hundred and sixty, one thousand nine hundred and sixty-five, one thousand nine hundred and seventy-three, one thousand nine hundred and seventy-four, one thousand nine hundred and seventy-five, one thousand nine hundred and eighty-six, one thousand nine hundred and ninety, one thousand nine hundred and ninety-two, two thousand and twenty-eight, two thousand and ninety-four, two thousand and ninety-five, two thousand and ninety-nine, two thousand and seventy-seven, one thousand nine hundred and forty-two, one thousand nine hundred and seventy, and one thousand nine hundred and sixty-two, to repeal section one thousand nine hundred and seventy-five, approved March thirtieth, eighteen hundred and seventy-eight, and section one thousand nine hundred and ninety-one, and to add a new section, to be known and numbered as section one thousand nine hundred and seventy-seven, all of, and to, an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the National Guard of California.

Read first time, and referred to the Committee on Military Affairs.

By Mr. Enos: Senate Bill No. 155—An Act to add a new section to the Political Code, and to define the intention of section one thousand nine hundred and thirty of said Code.

Read first time, and referred to the Committee on Military Affairs.

RESOLUTIONS.

By permission of the Senate, the following resolutions were introduced:

By Mr. Brown:

Resolved, That the two Gatekeepers heretofore appointed by the Sergeant-at-Arms, under a resolution adopted in Senate, January fifteenth, eighteen hundred and eighty, shall each receive a per diem of three dollars from January eighth, eighteen hundred and eighty.

Adopted.
By Mr. Kelly:

Resolved, That the State Superintendent of Printing be and hereby is directed to have the Senate Journal delivered to the Sergeant-at-Arms by nine o'clock a. m. each day.

Adopted.
By Mr. Johnson:

Resolved, That the Committee on Labor and Capital, the Committee on Chinese and Chinese Emigration, and the Committee on State Library, be allowed a Clerk, the said Clerk to act for all three committees, and to receive the per diem of five dollars for all such services.

Read, and referred to the Committee on Contingent Expenses and Mileage.
By Mr. Rowell:

Resolved, That the Committee on Hospitals be authorized to employ a Clerk, at a per diem as fixed by law, and that it be empowered to visit and examine into the condition of such hospitals and charitable institutions as are receiving State aid, or are likely under the law to receive State aid.

Resolved, That leave of absence be granted to the members of the Hospital Committee for one week, from January twenty-third, eighteen hundred and eighty, to January thirtieth, eighteen hundred and eighty, inclusive.

Adopted.
By Mr. Neumann:

Resolved, That the Journal Clerk be and he is hereby authorized to employ an assistant, at a per diem of the Journal Clerk, payable out of the appropriation for the contingent expenses of the Senate.

Read, and referred to the Committee on Contingent Expenses.
By Mr. George:

Resolved, That P. T. M. Wate be and he is hereby appointed a Clerk, whose duty it shall be to take charge of all matters requiring to be printed, and receipt to the Secretary of the Senate therefor, and transmit them to the State Printer, taking his receipt for the same, at a per diem of five dollars, payable out of the fund for the contingent expenses of the Senate, and that he be required to act as Clerk to the Committee on Public Printing without further compensation.

Adopted.

REPORTS.

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

CHENEY, Chairman.

GENERAL FILE.

Senate Bill No. 19—An Act relating to the foreclosure of mortgages.

Read for information, and, on motion of Mr. Sears, was indefinitely postponed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnston, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck—29.

NOES—Messrs. Chase, Gorman, Johnson, Kane, Kelly, Langford, and West—7.

Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Merriand, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Wendell, and West—25.

NOES—Messrs. Baker, Enos, George, Glascock, Gorman, Johnson, Kane, Kelly, Langford, Pool, and Zuck—11.

The bill was then read by title, and the title approved as read.

RESOLUTIONS.

By Mr. Johnston:

Resolved, That we add to Standing Rule Number Five of the Senate the following: "*Provided*, that when on any day the order of business is not gone through with by reason of adjournment, the President shall, after the reading and approval of the Journal, take up the order of business where he left off on the previous day.

Read, and referred to Committee on Rules.

By Mr. Neumann:

Resolved, That twice the usual number of copies be printed of Senate Bills Nos. 134, 135, and 136.

Adopted.

LEAVE OF ABSENCE.

On motion of Mr. Dickinson, leave of absence was granted to the committee appointed to present Senate Bill No. 83 before the Supreme Court, from to-morrow at noon until Monday.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-second, eighteen hundred and eighty, passed Senate Bill No. 83, entitled an Act to authorize the Controller and Treasurer of State to transfer certain funds.

J. M. WRIGHT, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly, on January twenty-first, eighteen hundred and eighty, adopted Assembly Concurrent Resolution No. 11—Relative to the establishment of a Dead Letter Office at San Francisco.

Also, that on January twenty-first, eighteen hundred and eighty, the Assembly concurred in Senate Concurrent Resolution No. 12—Relative to the appointment of a committee to present the case to the Supreme Court.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 11, above reported, read first time, and referred to the Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 21st, 1880.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly, on January twentieth, eighteen hundred and eighty, passed Assembly Bill No. 29, entitled an

Act to continue in force School Teachers' Certificates, State Educational Diplomas, and Life Diplomas.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 29, above referred to, read first time, and referred to the Committee on Education.

UNFINISHED BUSINESS.

Mr. Baker offered the following amendment to Rule One, as per notice of yesterday:

RULE ONE.

OPENING OF THE DAILY SESSION.

The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting; and a recess shall be taken each day from twelve o'clock M. to one o'clock and thirty minutes P. M.

Motion to adopt the amendment lost.

The following amendment was offered to Rule Six by Senator Satterwhite:

Resolved, That Rule Six of the Senate be amended to read as follows:

RULE SIX.

Every bill shall be read on three several days previous to its passage. When a bill is introduced it shall be read and referred to an appropriate committee and printed, which shall be the first reading of the bill. When a bill is reported back by a committee, with amendments or otherwise, it shall be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, and when the same is perfected to the satisfaction of the Senate, it shall be read a second time, which shall be the second reading of the bill, and engrossed and printed. On the final passage of a bill it shall be read at length by the sections, which shall be the third reading of the bill. On the final passage of the bill the roll of Senators shall be called, and the vote taken by yeas and nays, which shall be recorded in the Senate Journal, and no bill shall be declared passed unless a majority of Senators elected vote for the passage of the same. The presiding officer of the Senate shall give notice at each reading whether it be the first, second, or third reading of the bill.

Mr. Johnson offered an amendment as follows:

READING, REFERENCE, AND PRINTING OF BILLS.

Every bill shall be read on three several days previous to its passage, and when a bill is introduced, it shall be read and printed, which shall be the first reading of the bill. On the day succeeding the first reading of the bill, it shall be read the second time and referred to an appropriate committee. When a bill is reported back from a committee, with amendments or otherwise, it shall be considered as though the Senate were in Committee of the Whole, and when the same is perfected to the satisfaction of the Senate it shall be engrossed and printed. On the final passage of a bill it shall be read at length by sections, which shall be the third reading of the bill. On the final passage of a bill, the roll of Senators shall be called, and the vote taken by yeas and nays, which shall be recorded in the Senate Journal, and no bill shall be declared passed unless a majority of the Senators elected vote for the passage of the same. The presiding officer of the Senate shall give notice at each reading whether it be the first, second, or third reading of the bill.

Resolution of Mr. Satterwhite, as amended by Mr. Johnson, was read, and referred to the Committee on Rules and Regulations, with instructions to report to-morrow.

At four o'clock P. M., Mr. Satterwhite moved to adjourn.

Lost.

ADJOURNMENT.

At four o'clock and five minutes P. M., upon motion of Mr. Zuck, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 23d, 1880. }

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

During the reading of the Journal of yesterday, on motion of Mr. Dickinson, further reading was dispensed with, and the same approved.

RESOLUTIONS.

Mr. Johnson, by leave, introduced Senate Concurrent Resolution No. 13, as follows:

Resolved by the Senate, the Assembly concurring, First—That the Committee on Finance, of the Senate, and the Committee on Ways and Means, of the Assembly, be and they are hereby directed to hold joint meetings, and agree upon a bill or bills providing for a system of revenue and taxation.

Second—That the Committees of the Senate and Assembly on County, City, and Township Organizations and Governments be and they are hereby directed to hold joint meetings, and agree upon a bill or bills providing for a general system of county, city, and town organization and government.

Third—That the Judiciary Committees of the Senate and Assembly be and they are hereby directed to hold joint meetings, and agree upon a bill or bills adapting the Codes to the Constitution.

Fourth—That each and all of said committees be and they are hereby directed to immediately enter upon the discharge of the duties hereby devolved upon them, and to report to the Senate and Assembly, at as early a day as possible, the result of their deliberations.

Adopted.

By Mr. West:

Resolved, That the Rev. Alfred Higby is hereby appointed Chaplain of the Senate, and that he be allowed the sum of five dollars per day for his services, from January twenty-third till the close of the session.

Mr. Satterwhite moved to lay the resolution on the table.

The ayes and noes were called for by Messrs. Satterwhite, Gorman, and Chase, with the following result:

AYES—Messrs. Anderson, Brown, Chase, Davis, Dickinson, Gorman, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nye, Pardee, Ryan, Satterwhite, and Traylor—17.

NOES—Messrs. Baker, Burt, Carlock, Cheney, Conger, Enos, George, Harlan, Hill, Johnson, Johnston, Lampson, Pool, Rowell, Sears, Watson, Wendell, West, and Zuck—19.

Lost.

Mr. Pardee offered the following amendment: Amend to adopt the name of Rev. Mr. Cole, of Sacramento.

Mr. Enos offered the following as a substitute for the whole matter:

Resolved, That the Clergy of Sacramento be and they are hereby requested to offer their services to open the Senate with divine prayer.

Mr. Chase moved to indefinitely postpone the whole matter.

The ayes and noes were called for by the requisite number, with the following result:

AYES—Messrs. Brown, Carlock, Chase, Davis, Dickinson, Gorman, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nye, Pardee, Ryan, and Satterwhite—16.

NOES—Messrs. Anderson, Baker, Burt, Cheney, Conger, Enos, George, Glascock, Harlan, Hill, Johnson, Johnston, Lampson, Pool, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—21.

Lost.

Mr. Traylor moved to refer the matter to the Committee on Contingent Expenses and Mileage.

The ayes and noes were called for by Messrs. Enos, Pardee, and Kelly, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Dickinson, Gorman, Hittell, Johnson, Johnston, Kelly, Langford, Nye, Pardee, Ryan, Satterwhite, and Traylor—15.

NOES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Harlan, Hill, Kane, Lampson, Moreland, Pool, Rowell, Sears, Watson, Wendell, West, and Zuck—21.

Lost.

Mr. Pardee moved to refer the matter to the Finance Committee.

The ayes and noes were called for by Messrs. Brown, Chase, and Enos, with the following result:

AYES—Messrs. Baker, Brown, Chase, Davis, Dickinson, Gorman, Hittell, Hudson, Johnson, Kelly, Langford, Nye, Pardee, Ryan, Satterwhite, Watson, and Wendell—17.

NOES—Messrs. Anderson, Burt, Cheney, Conger, Enos, George, Glascock, Harlan, Hill, Johnston, Kane, Lampson, Moreland, Pool, Rowell, Sears, Traylor, West, and Zuck—19.

Lost.

Mr. Brown moved that the same be made the special order for February second, at two o'clock P. M.

Carried.

PETITION.

Mr. Sears introduced a petition relative to the grading, etc., of Pennsylvania Avenue, in San Francisco, and asked that the same be referred to the San Francisco delegation without being read.

So ordered.

REPORTS.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of stock thereof, and electing other officers—report the same back with an amendment, and recommend its passage as amended.

SEARS, Chairman.

Mr. Hudson, Chairman of the Enrolling Committee, reported as correctly enrolled Senate Bill No. 83.

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 9, expressing sympathy for the people of Ireland, respectfully report that they have considered the same, and report it back with the recommendation that it be adopted.

The committee also considered the resolution offered in the Senate by Mr. Johnson, referring to the same subject. Inasmuch as the same ideas are embodied as in the Assembly Concurrent Resolution hereinbefore favorably reported, we recommend that it be laid on the table.

BAKER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution, No. 10, respectfully report that they have considered the same, and recommend that the same be amended by inserting in line one on page three, of the printed copy, after the word "fostering," and before the word "the;" the words, "industry and to remember especially;" add the word "and" at the end of line twelve of page three; strike out in line thirteen of page three, the words "happiness and comfort for;" and insert the word "to;" strike out all of line fourteen, page three, after the word, "nation;" and strike out all of lines fifteen and sixteen of page three.

The committee respectfully recommend the passage of the resolution as amended.

BAKER, Chairman.

On motion of Mr. Dickinson, leave of absence for one day was granted Mr. Neumann.

RESOLUTION.

By Mr. Johnson:

Resolved, That the Secretary be and he is hereby directed to take charge of all the business at the Secretary's desk, and that all the Assistant Secretaries, Clerks and Assistant Clerks, and assistants at the desk report to the Secretary, and be under his control.

Adopted.

FURTHER READING OF REPORTS.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 94—being an Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, relating to ministerial officers of the Supreme Court—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

NYE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 22d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 2—An Act entitled an Act to make the Code of Civil Procedure and the Penal Code of California the rules of action in the Courts as at present organized—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

NYE, Chairman.

Mr. Moreland submitted a minority report as follows:

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee of the Senate, respectfully dissent from the report of the majority thereof in recommending the passage of Assembly Bill No. 2—An Act entitled "An Act to make the Code of Civil Procedure and the Penal Code of California the rules of action in the Courts as at present organized." Section one (1) of said Act declares that all the provisions of the Code of Civil Procedure and of the Penal Code of the State of California, in force on the thirty-first day of December, to be the rule of action and proceeding in all Courts of this State as at present organized under the provisions of the new Constitution, and whenever the District Court, Probate Court, Municipal Criminal Court, City Criminal Court, or Municipal Court of Appeals is mentioned therein, the same shall be deemed to refer to and mean the Superior Court. It seems to the undersigned that said section is manifestly in contravention of that portion of section twenty-four, of article four, of the Constitution, which says that, "No law shall be revised or amended by reference to its title, but in such case the Act revised, or the section amended, shall be reenacted and published at length, as revised or amended."

The Act under consideration declares that certain words shall be substituted for certain other words in the Code of Civil Procedure and Penal Code, without setting out or reenacting the sections of the Codes in which said words occur, consequently the undersigned believe that said proposed law would, if passed, be in conflict with that portion of the Constitution above referred to.

W. W. MORELAND,
T. H. HITTLELL,
E. A. DAVIS,
J. F. WENDELL.

On motion of Mr. Johnson, the above reports and Assembly Bill No. 2 were made the special order for Monday, January twenty-sixth, at two o'clock P. M.

INTRODUCTION AND READING OF BILLS.

By Mr. Hudson: Senate Bill No. 156—An Act to regulate the practice of medicine in the State of California, and defining who are legal physicians and surgeons.

Read first time, and referred to the Committee on Hospitals.

By Mr. Watson: Senate Bill No. 157—An Act to punish willful misrepresentations by life insurance companies and their agents.

Read first time, and referred to the Committee on Corporations.

By Mr. Hittell: Senate Bill No. 158—An Act to amend sections eight hundred and thirty-two, eight hundred and thirty-three, eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-nine, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and two, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Also: Senate Bill No. 159—An Act to amend sections one thousand one hundred and sixty-three, one thousand one hundred and sixty-six, one thousand one hundred and sixty-seven, one thousand one hundred and sixty-eight, one thousand one hundred and seventy-one, one thousand one hundred and seventy-six, and one thousand one hundred and seventy-nine, of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property in certain cases.

Also: Senate Bill No. 160—An Act to amend sections one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and ninety, and one thousand one hundred and ninety-five, of the Code of Civil Procedure, and to add a new section to said Code, relating to liens of mechanics and others upon real property.

Also: Senate Bill No. 161—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, and one thousand two hundred and thirty-three, of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Also: Senate Bill No. 162—An Act to amend sections one thousand two hundred and forty-three, one thousand two hundred and forty-four, and one thousand two hundred and fifty-four, of the Code of Civil Procedure, relating to eminent domain.

Also: Senate Bill No. 163—An Act to amend sections one thousand two hundred and sixty-nine and one thousand two hundred and seventy-two of the Code of Civil Procedure, relating to escheated estates.

Also: Senate Bill No. 164—An Act to amend sections one thousand two hundred and seventy-five, one thousand two hundred and seventy-six, one thousand two hundred and seventy-eight, and one thousand two hundred and seventy-nine, of the Code of Civil Procedure, relating to change of names.

Also: Senate Bill No. 165—An Act to amend section one thousand

two hundred and eighty-three of the Code of Civil Procedure, relating to arbitrations.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Kane: Senate Bill No. 166—An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Read first time, and referred to the Committee on Commerce and Navigation.

PETITION.

Mr. Kane, by leave, introduced the following petition (by request):

To the Senate and Assembly of the State of California:

Your petitioners, the undersigned, citizens of the City and County of San Francisco, and land owners on and adjacent to Islais Creek, in said city and county, respectfully represent:

First—That said creek is navigable, to wit, by Potrero and Bay View Railroad Company placing a railroad, built on piles, across said creek near the mouth thereof, thereby totally obstructing the navigation of said creek by steamboats or sailing vessels.

Second—An obstruction at Fifteenth Avenue extension, to wit, an embankment, with an appurtenance therein for water to pass, but insufficient for any boat to pass.

Third—An obstruction at San Bruno Road, by which navigation is destroyed.

Wherefore, your petitioners pray that an Act be passed requiring the removal of all such obstructions from the mouth of said creek to a point one-half mile above San Bruno Road; and your petitioners will ever pray.

SAN FRANCISCO, January 12th, 1880.

THOMAS YOUNG,
W. B. EWER,
I. E. DAVIS,
MAIN & WINCHESTER,
CHARLES MAIN,
PETER T. GOODWICH,
M. GRADWOHL & COMPANY,
CHAS. P. FAULKNER,
THOMAS WATSON,
R. G. BYXBEE,
WM. H. STEIGER,
D. E. BUCKMAN,
VICTOR WAHENROADER,
I. R. DENNIS,
C. I. FLATT,
JOHN R. SPRING,
MASONIC SAVINGS AND LOAN BANK,
BY H. P. GRAVES, SECRETARY,

H. P. GRAVES,
FRANCIS SMITH,
PETER DEAN,
JOHN F. SNOW,
FREDERIC E. SEIDEL,
GEORGE ROBINS,
WM. LEVISTON,
OTTO ARNOLD,
— MOLTINER,
LOUIS GENTLE,
G. GROEZINGER,
S. P. MIDDLETON,
JAS. T. FLOYT,
D. H. WITTEMORE,
WM. H. CALLIE,
JOHN REYNOLDS,
WM. PATTERSON,
THEO. ERDIN.

Read and referred to San Francisco delegation.

FURTHER INTRODUCTION AND READING OF BILLS.

By Mr. Kane: Senate Bill No. 167—An Act repealing an Act conferring further powers to the Board of Supervisors of the City and County of San Francisco.

Read first time, and referred to the San Francisco delegation.

By Mr. Langford: Senate Bill No. 168—An Act to amend section ten thousand one hundred and seventeen of the Code of Civil Procedure, defining the jurisdiction of Justices' Courts.

Read first time, and referred to the Judiciary Committee.

By Mr. Enos: Senate Bill No. 169—An Act making eight hours a legal day's work.

Read first time, and referred to the Committee on Labor and Capital.

By Mr. Kane: Senate Bill No. 170—An Act to amend sections two hundred and seventy-five, two hundred and seventy-six, and two hundred and eighty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to attorneys and counselors at law.

Read first time, and referred to the Judiciary Committee.

By Mr. West: Senate Bill No. 171—An Act to amend an Act entitled "An Act to establish a Political Code," in relation to elections, and to prevent fraud.

Also: Senate Bill No. 172—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," and to more fully define the duties of Public Administrators.

Also: Senate Bill No. 173—An Act to amend an Act entitled "An Act to establish a Penal Code," and to prevent fraud, and punish crimes against the election franchise.

Each of the above bills read first time, and referred to the Committee on Elections.

SECOND READING AND ENGROSSMENT OF BILLS.

Senate Bill No. 23—An Act to amend sections eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen, of the Penal Code, relating to crimes and punishments.

Senate Bill No. 24—An Act to amend sections six hundred and eighty-nine, one thousand and forty-two, one thousand four hundred and thirty, and one thousand four hundred and thirty-five of the Penal Code, relating to trials by jury.

Senate Bill No. 28—An Act to repeal section four thousand three hundred and twenty-nine of the Political Code, regulating the salaries of County Judges.

Senate Bill No. 29—An Act to repeal sections four hundred and ninety-nine and six hundred and eighty-four of the Political Code, relating to the salaries and compensation of public officers.

Senate Bill No. 31—An Act to amend sections one thousand three hundred and thirty-eight and one thousand three hundred and fifty-three of the Penal Code, providing for the examination of witnesses.

Senate Bill No. 33—An Act to add a new section, to be known as section ninety, to the Penal Code, relating to the crime of lobbying.

Senate Bill No. 35—An Act to amend section one thousand and twenty-nine of the Penal Code, relating to prosecutions of Judges of the Superior Courts.

Senate Bill No. 36—An Act to repeal sections one thousand and twenty-eight, one thousand and thirty, one thousand one hundred and twelve, and one thousand one hundred and forty-three, of the Penal Code, relating to judicial proceedings in criminal cases.

Senate Bill No. 37—An Act to amend section eight hundred and eight of the Penal Code, declaring who are Magistrates.

Each of the above bills read second time.

The Senate considered as in Committee of the Whole.

Amendments adopted, and bills as amended ordered engrossed.

RESOLUTIONS.

By Mr. Johnson :

Resolved, That the Committee on Irrigation, Water Rights, and Drainage be and they are hereby directed and authorized to take testimony in reference to the matters contained in the report of the State Engineer, and are hereby authorized to employ a short-hand reporter, and are hereby authorized and empowered to send for persons, books, and papers.

Adopted.

By Mr. Johnston :

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby requested to procure a suitable room for the Committee on Agriculture and Swamp Land.

Referred to the Committee on Contingent Expenses and Mileage.
By Mr. Nye :

Resolved, That the Judiciary Committee be and hereby is authorized to employ an additional Clerk, to be paid out of the fund for the contingent expenses of the Senate.

Adopted.

ASSEMBLY MESSAGE.

On motion of Mr. Brown the following message from the Assembly was taken up :

ASSEMBLY CHAMBER, SACRAMENTO, January 23d, 1880.

MR. PRESIDENT : I am directed to inform your honorable body that the Assembly, on January twenty-second, eighteen hundred and eighty, passed Assembly Bill No. 6—entitled an Act to transfer the records, papers, and business of the Courts existing on the thirty-first day of December, eighteen hundred and seventy-nine, in this State, to the Courts now existing therein.

Also, that on January twenty-second, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 8—entitled an Act to amend sections two hundred and seventy-five, two hundred and seventy-six, and two hundred and eighty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to attorneys and counselors at law.

Also, that on January twenty-second, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 30—entitled an Act to repeal section twelve hundred and twenty-two of the Code of Civil Procedure, relating to judgments and orders in cases of contempt.

Also, that on January twenty-second, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 34—entitled an Act to amend an Act entitled an "Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof," approved March sixteenth, eighteen hundred and seventy-four.

Also, that on January twenty-second, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 93—entitled an Act in relation to certain deputies and assistants of County Clerks.

J. M. WRIGHT, Assistant Clerk.

On motion of Mr. Hittell, Assembly Bill No. 93, above reported, was taken up out of its order, read first time, and referred to the Judiciary Committee.

RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

The President in the chair.

The roll was called, and the following Senators responded as being present :

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

RESOLUTIONS.

By leave, Mr. Davis introduced the following :

Resolved, That the Committee on Contingent Expenses of the Senate be and it is hereby instructed to inquire as to whether there are now any unnecessary employes or attachés connected with this body, and that it report on Tuesday next.

Adopted.

By Mr. Dickinson :

Resolved, That all Senate and Assembly bills for the use of Senators be assorted, numerically, by the Pages, under the supervision of the Sergeant-at-Arms, and distributed in packages to each Senator's desk.

Adopted.

ASSEMBLY MESSAGES—CONTINUED.

Assembly Bills Nos. 6, 8, 30, and 34, above reported, read first time, and referred to the Judiciary Committee.

ADJOURNMENT.

At one o'clock and forty-five minutes p. m., Mr. Dickinson moved that the Senate do now adjourn until Monday, January twenty-sixth, at ten o'clock a. m.

The ayes and noes were called for by Messrs. Burt, Brown, and Glascock, and resulted as follows :

AYES—Messrs. Conger, Dickinson, Enos, George, Hill, Hittell, Kane, Langford, Pardee, Pool, Ryan, Traylor, Wendell, and Zuck—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Glascock, Harlan, Kelly, Moreland, Nye, and West—11.

Carried.

Whereupon the President announced the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Monday, January 26th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Burt, Carlock, Chase, Cheney, Davis, Dickinson, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Satterwhite, Sears, Watson, Wendell, and West.

There being no quorum present, at ten o'clock and four minutes A. M., on motion of Mr. Dickinson, the Senate adjourned until eleven o'clock A. M.

RE-ASSEMBLED.

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Burt, Carlock, Chase, Cheney, Davis, Dickinson, Glasecock, Harlan, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Ryan, Satterwhite, Sears, Watson, Wendell, and West.

Quorum present.

The Journal of Friday, January twenty-third, was read and approved.

Mr. Davis, by consent of the Senate, introduced the following resolution:

Resolved, That the State Controller be and he is hereby requested to inform the Senate, so far as he may be able to estimate the same, as to the amount that will be required for its contingent expenses for the present session of one hundred days: said estimate to be based upon its contingent expenses for the week ending January twenty-fourth, eighteen hundred and eighty. Also, to report to this body the amount of the contingent expenses of the last Senate during the last one hundred days of its session.

Read, and referred to the Committee on Contingent Expenses and Mileage.

LEAVE OF ABSENCE.

On motion of Mr. Carlock, leave of absence for one day was granted Mr. Brown.

On motion of Mr. Sears, leave of absence for one day was granted Mr. Pool.

REPORTS.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, January 26th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 32—An Act to amend sections seven hundred and twelve, seven hundred and twenty-eight, seven hundred and thirty-two, seven hundred and sixty, seven hundred and seventy-one, seven hundred and seventy-two, eight hundred and eighteen, eight hundred and twenty, eight hundred and fifty, eight hundred and ninety, nine hundred and thirty, one thousand one hundred and ninety-seven, one thousand three hundred and thirty, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand five hundred and fifteen, one thousand five hundred and sixteen, and one thousand five hundred and fifty-six, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, providing for certain proceedings before the Superior Courts or the Judges thereof, in place of the Courts abolished by the new Constitution or their Judges—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

Also, Senate Bill No. 34—An Act to amend sections eight hundred and seventy-two, eight hundred and seventy-five, and to repeal section eight hundred and seventy-four of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to commitments of persons charged with crime—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 38—An Act to amend sections one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to forfeiture of bail deposited in lieu of bail—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 40—An Act to repeal an Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five—and report the same back, and recommend its passage.

Also, Senate Bill No. 109—An Act to amend sections three hundred and sixty-seven, three hundred and seventy-two, and three hundred and seventy-three of the Code of Civil Procedure, relating to parties to civil actions—and report the same back, and recommend its passage.

Also, Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three, of the Code of Civil Procedure, relating to pleadings in civil actions—and report the same back with amendment, and recommend its passage as amended.

Also, Senate Bill No. 114—An Act to amend sections four hundred and eighty, four hundred and ninety-three, five hundred and twenty-five, five hundred and forty-eight, five hundred and fifty-four, five hundred and fifty-six, and five hundred and sixty-five, of the Code of Civil Procedure, relating to provisional remedies in civil actions—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 115—An Act to amend section five hundred and ninety-three of the Code of Civil Procedure, relating to entry of civil causes on Court calendars—and report the same back, and recommend its passage.

Also, Senate Bill No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-two, eight hundred, eight hundred and one, eight hundred and two, eight hundred and six, eight hundred and eighty-eight, nine hundred and forty-nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, nine hundred and fifty-five, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and fifty-nine, nine hundred and sixty, nine hundred and sixty-one, nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, nine hundred and sixty-eight, nine hundred and sixty-nine, nine hundred and seventy, nine hundred and seventy-one, nine hundred and seventy-two, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and eighty-one, nine hundred and eighty-two, nine hundred and eighty-five, nine hundred and eighty-eight, nine hundred and eighty-nine, nine hundred and ninety, nine hundred and ninety-five, nine hundred and ninety-six, nine hundred and ninety-seven, nine hundred and ninety-eight, nine hundred and ninety-nine, one thousand and four, one thousand and five, one thousand and eight, one thousand and nine, one thousand and twelve, one thousand and sixteen, one thousand and seventeen, one thousand and eighteen, one thousand and nineteen, one thousand and twenty-one, one thousand and twenty-two, one thousand one hundred and twenty-three, one thousand and twenty-four, one thousand and twenty-five, one thousand and thirty-three, one thousand and forty-three, one thousand and forty-seven, one thousand and forty-eight, one thousand and fifty-two, one thousand and sixty-five, one thousand and seventy-four, one thousand and ninety-three, one thousand and ninety-five, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand one hundred and three, one thousand one hundred and four, one thousand one hundred and thirteen, one thousand one hundred and fourteen, one thousand one hundred and fifteen, one thousand one hundred and seventeen, one thousand one hundred and twenty-one, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, one thousand one hundred and thirty-one, one thousand one hundred and forty-one, one thousand one hundred and forty-eight, one thousand one hundred and fifty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and fifty-eight, one thousand one hundred and fifty-nine, one thousand one hundred and sixty, one thousand one hundred and sixty-five, one thousand one hundred and seventy, one thousand one hundred and eighty-one, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand two hundred, one thousand two hundred and seven, one thousand two hundred and thirty-eight, one thousand two hundred and seventy-three, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-seven, one thousand eight hundred and eighty-nine, one thousand three hundred and ten, one thousand three hundred and twenty-six, one thousand three hundred and thirty-five, one thousand three hundred and forty-six, one thousand three hundred and forty-nine, one thousand three hundred and fifty-four, one thousand three hundred and fifty-eight, one thousand three hundred and sixty-eight, one thousand three hundred and seventy, one thousand three hundred and seventy-three, one thousand three hundred and eighty-two, one thousand three hundred and eighty-three, one thousand three hundred and ninety-five, one thousand three hundred and ninety-six, one thousand four hundred and one, and one thousand four hundred and twenty-nine of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and to add a new section thereto, to be known as section eight hundred and nine, to provide for prosecutions, and to adapt the provisions of said Code thereto—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 93—An Act to amend section one hundred and thirty of the Code of Civil Procedure, relating to rules of Courts—report the same back, and recommend its passage.

Also, Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions—report the same back with amendments, and recommend its passage as amended.

NYE, Chairman.

MESSAGE FROM THE GOVERNOR. .

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January 23d. 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 83—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

GEO. C. PERKINS, Governor.

INTRODUCTION OF BILLS.

By Mr. Hittell: Senate Bill No. 174—An Act to amend sections one thousand two hundred and ninety-five, one thousand two hundred and ninety-eight, one thousand three hundred and three, one thousand three hundred and five, one thousand three hundred and thirteen, one thousand three hundred and seventeen, one thousand three hundred and twenty-two, one thousand three hundred and thirty-eight, one thousand three hundred and forty, one thousand three hundred and forty-five, one thousand three hundred and sixty, one thousand three hundred and sixty-one, one thousand three hundred and sixty-two, one thousand three hundred and seventy-two, one thousand three hundred and seventy-three, one thousand three hundred and eighty-three, one thousand three hundred and eighty-eight, one thousand three hundred and eighty-nine, one thousand three hundred and ninety-one, one thousand three hundred and ninety-three, one thousand three hundred and ninety-four, one thousand three hundred and ninety-seven, one thousand three hundred and ninety-eight, one thousand four hundred and two, one thousand four hundred and three, one thousand four hundred and six, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and twenty-six, one thousand four hundred and twenty-seven, one thousand four hundred and thirty, one thousand four hundred and thirty-one, one thousand four hundred and thirty-two, one thousand four hundred and thirty-three, one thousand four hundred and thirty-six, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thousand four hundred and fifty-two, one thousand four hundred and fifty-three, one thousand four hundred and fifty-nine, one thousand four hundred and sixty, one thousand four hundred and sixty-one, one thousand four hundred and sixty-four, one thousand four hundred and sixty-five, one thousand four hundred and sixty-six, one thousand four hundred and sixty-seven, one thousand four hundred and seventy, one thousand four hundred and seventy-four, one thousand four hundred and seventy-five, one thousand four hundred and eighty-five, one thousand four hundred and ninety-three, one thousand four hundred and ninety-four, one thousand four hundred and ninety-five, one thousand four hundred and ninety-six, one thousand four hundred and ninety-seven, one thousand four hundred and ninety-eight, one thousand four hundred and ninety-nine, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and seven, one thousand five hundred

and ten, one thousand five hundred and twelve, one thousand five hundred and seventeen, one thousand five hundred and nineteen, one thousand five hundred and twenty-three, one thousand five hundred and twenty-six, one thousand five hundred and twenty-nine, one thousand five hundred and thirty, one thousand five hundred and thirty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-six, one thousand five hundred and thirty-seven, one thousand five hundred and forty, one thousand five hundred and forty-one, one thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-five, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-six, one thousand five hundred and sixty-nine, one thousand five hundred and seventy, one thousand five hundred and seventy-five, one thousand five hundred and eighty-five, one thousand five hundred and eighty-eight, one thousand five hundred and ninety, one thousand five hundred and ninety-one, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred and two, one thousand six hundred and three, one thousand six hundred and four, one thousand six hundred and sixteen, one thousand six hundred and eighteen, one thousand six hundred and twenty-two, one thousand six hundred and twenty-three, one thousand six hundred and twenty-four, one thousand six hundred and twenty-five, one thousand six hundred and twenty-nine, one thousand six hundred and thirty-two, one thousand six hundred and thirty-three, one thousand six hundred and forty, one thousand six hundred and forty-nine, one thousand six hundred and sixty-one, one thousand six hundred and sixty-seven, one thousand six hundred and sixty-nine, one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and seventy-seven, one thousand six hundred and eighty, one thousand six hundred and eighty-four, one thousand six hundred and eighty-five, one thousand six hundred and eighty-six, one thousand six hundred and ninety-two, one thousand six hundred and ninety-three, one thousand six hundred and ninety-four, one thousand six hundred and ninety-six, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, one thousand seven hundred and sixteen, one thousand seven hundred and eighteen, one thousand seven hundred and twenty, one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty, one thousand seven hundred and thirty-three, one thousand seven hundred and thirty-four, one thousand seven hundred and thirty-five, one thousand seven hundred and thirty-six, one thousand seven hundred and thirty-seven, and one thousand seven hundred and forty, of the Code of Civil Procedure, relating to the settlement of estates of deceased persons.

Read first time, and referred to the Judiciary Committee.

REPORT.

SENATE CHAMBER, SACRAMENTO, January 26th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bills, viz.: No. 24—An Act to amend sections six hundred and

eighty-nine, one thousand and forty-two, one thousand four hundred and thirty, and one thousand four hundred and thirty-five, of the Penal Code, relating to trials by jury.

No. 28.—An Act to repeal section four thousand three hundred and twenty-nine of the Political Code, regulating the salaries of County Judges.

No. 29.—An Act to amend sections four hundred and ninety-nine and six hundred and eighty-four of the Political Code, relating to the salaries and compensation of judges.

No. 31.—An Act to amend sections one thousand three hundred and thirty-eight and one thousand three hundred and fifty-three of the Penal Code, providing for the examination of witnesses.

No. 33.—An Act to add a new section, to be known as section ninety, to the Penal Code, relating to the crime of lobbying.

No. 35.—An Act to amend section one thousand and twenty-nine of the Penal Code, relating to prosecutions of Judges of Superior Courts.

No. 36.—An Act to repeal sections one thousand and twenty-eight, one thousand and thirty, one thousand one hundred and twenty-one, and one thousand one hundred and forty-three, of the Penal Code, relating to judicial proceedings in criminal cases.

No. 37.—An Act to amend section eight hundred and eight of the Penal Code, declaring who are Magistrates.

CHENEY, Chairman.

FURTHER INTRODUCTION AND READING OF BILLS.

By Mr. Hittell: Senate Bill No. 175—An Act to amend sections one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight of the Code of Civil Procedure, relating to guardians and wards.

Also: Senate Bill No. 176—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Also: Senate Bill No. 177—An Act to amend sections one thousand nine hundred and ninety-four, one thousand nine hundred and ninety-five, two thousand and twenty-four, two thousand and thirty-six, two thousand and thirty-seven, two thousand and seventy, and two thousand and eighty-four, of the Code of Civil Procedure, relating to evidence.

Also: Senate Bill No. 178—An Act to add a new section to the Penal Code, to be known as section seven hundred and ninety-six,

relating to the place of trial of indictments or informations for publications in newspapers.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Carlock: Senate Bill No. 179—An Act entitled an Act to amend section five hundred and fourteen, of title five, of part four, of the Civil Code, concerning wagon-road corporations.

Also: Senate Bill No. 180—An Act entitled an Act to amend section two thousand eight hundred and fourteen, of article two, of chapter three, of title six, of the Political Code, concerning public ways.

Each of the above bills read first time, and referred to the Committee on Roads and Highways.

By Mr. Wendell: Senate Bill No. 181—An Act to amend sections three hundred and twenty-nine, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight, of the Code of Civil Procedure, relating to the venue in civil actions.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 182—An Act to amend the Political Code, by adding a new section thereto, to be known as section four thousand one hundred and twenty-five, relating to the duties of the grand jury.

Read first time, and referred to the Committee on County and Township Governments.

Also: Senate Bill No. 183—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one, of the Political Code, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six, of said Code, providing for a duplicate assessment book.

Also: Senate Bill No. 184—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to personal property set apart for the use of the family.

Each of the above bills read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 185—An Act to amend sections four thousand two hundred and fifteen and four thousand two hundred and sixteen of the Political Code, relating to the duties of Auditor.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Ryan: Senate Bill No. 186—An Act to add a new section to the Political Code, relating to the arrangement and publication of the amendments to the Codes, and to the sale thereof.

Read first time, and referred to the Judiciary Committee.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

On motion of Mr. Chase, leave of absence for one day was granted Mr. Kane on account of sickness.

On motion of Mr. Cheney, one day's leave of absence was granted Mr. George.

INTRODUCTION AND READING OF BILLS.

By Mr. Johnson: Senate Bill No. 187—An Act to amend an Act entitled "An Act for the relief of insolvent debtors and protection of creditors," approved May fourth, eighteen hundred and fifty-two, and also, an Act to amend an Act entitled "An Act supplementary to an Act for the relief of insolvent debtors and protection of creditors," approved May fourth, eighteen hundred and fifty-two, and the Act amendatory thereof and supplementary thereto, approved March thirty-first, eighteen hundred and seventy-six.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read first time, and referred to the Committee on Corporations.

Also: Senate Bill No. 189—An Act to relieve the county officers of the various counties of this State from performing services as such for corporations without compensation.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

Also: Senate Bill No. 190—An Act to amend sections two thousand one hundred and sixty-eight and two thousand two hundred and nine of the Civil Code, in reference to common carriers.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 191—An Act to repeal an Act entitled "An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government," approved April first, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

Also: Senate Bill No. 192—An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Glascock: Senate Bill No. 193—An Act to authorize the

Board of Supervisors of any county to create bounty districts for the destruction of wild animals.

Read first time, and referred to Committee on Township and County Government.

GENERAL FILE.

Senate Bill No. 23, passed on the file.

Senate Bill No. 24—An Act to amend sections six hundred and eighty-nine, one thousand and forty-two, one thousand four hundred and thirty, and one thousand four hundred and thirty-five, of the Penal Code, relating to trials by jury.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Chase, Cheney, Conger, Davis, Dickinson, Glasecock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—25.

NOES—None.

Title read, and approved as read.

Upon motion of Mr. Wendell, Assembly Bill No. 2, special order for two o'clock P. M., was continued until after the disposition of the general file.

Senate Bill No. 28—An Act to repeal section four thousand three hundred and twenty-nine of the Political Code, regulating the salaries of County Judges.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Chase, Cheney, Conger, Davis, Dickinson, Glasecock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—25.

NOES—None.

Title read, and approved as read.

Senate Bill No. 29—An Act to repeal sections four hundred and ninety-nine and six hundred and eighty-four of the Political Code, relating to the salaries and compensation of public officers.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glasecock, Harlan, Hill, Hittell, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—25.

NOES—None.

Title read, and approved as read.

REPORT.

SENATE CHAMBER, SACRAMENTO, January 26th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bill, viz.: No. 23—An Act to amend sections eighty-five, eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen, of the Penal Code, relating to crimes and punishments.

CHENEY, Chairman.

Senate Bill No. 23—An Act to amend sections eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen, of the Penal Code, relating to crimes and punishments, was now taken up, read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—27.

NOES—None.

Title read, and approved as read.

Senate Bill No. 31—An Act to amend sections one thousand three hundred and thirty-eight and one thousand three hundred and fifty-three of the Penal Code, providing for the examination of witnesses.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—27.

NOES—None.

Title read, and approved as read.

Senate Bill No. 33—An Act to add a new section, to be known as section ninety, to the Penal Code, relating to the crime of lobbying.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—26.

NOES—None.

Title read, and approved as read.

Senate Bill No. 35—An Act to amend section one thousand and twenty-nine of the Penal Code, relating to the prosecutions of Judges of the Superior Courts.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—27.

NOES—None.

Title read, and approved as read.

Senate Bill No. 36—An Act to repeal sections one thousand and twenty-eight, one thousand and thirty, one thousand one hundred and twenty-one, and one thousand one hundred and forty-three, of the Penal Code, relating to judicial proceedings in criminal cases.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—28.

NOES—None.

Title read, and approved as read.

Senate Bill No. 37—An Act to amend section eight hundred and eight of the Penal Code, declaring who are Magistrates.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—28.

NOES—None.

Title read, and approved as read.

SECOND READING AND ENGROSSMENT OF BILLS.

Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of the stock thereof, and electing other officers.

On motion of Mr. Dickinson, it was placed at the head of the general file for to-morrow.

Senate Bill No. 94—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, relating to ministerial officers of the Supreme Court.

Read second time.

The Senate considered as in Committee of the Whole, and the bill ordered engrossed.

SPECIAL ORDER.

Assembly Bill No. 2—An Act to make the Code of Civil Procedure and the Penal Code of California the rule of action in the Courts as at present organized.

Bill read second time, and, on motion of Mr. Neumann, indefinitely postponed.

RESOLUTION.

By Mr. Johnston:

Resolved, That the Committee on Agriculture and Swamp Lands be and are hereby authorized to employ ——— for the service of the Joint Committees, at a per diem of five dollars, payable out of the fund for the contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses and Mileage, with instructions to report to-morrow.

FURTHER INTRODUCTION AND READING OF BILLS.

By Mr. Johnson: Senate Bill No. 194—An Act to provide for the enlargement of the State Printing Office, and for the repairing and painting of the building.

Read first time, and referred to the Committee on Public Buildings.

By Mr. Baker: Senate Bill No. 195—An Act for the relief of the purchasers of State lands.

Read first time, and referred to Public, Swamp and Overflowed Lands Committee.

By Mr. Sears: Senate Bill No. 196—An Act to amend sections three thousand six hundred and seventeen, three thousand six hundred and forty-three, three thousand six hundred and forty-four, three thousand six hundred and fifty, three thousand six hundred and fifty-seven, and three thousand seven hundred and ninety-three, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.

Read first time, and referred to the Committee on Finance.

By Mr. Enos: Senate Bill No. 197—An Act to repeal section number one thousand one hundred and twenty-five of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 198—An Act to amend section number one thousand one hundred and twenty-four of the Code of Civil Procedure.

Read first time, and referred to the Committee on Elections.

By Mr. Ryan: Senate Bill No. 199—An Act to direct Assessors in the assessment of evidences of indebtedness.

Read first time, and referred to the Committee on Finance.

By Mr. Johnston: Senate Bill No. 200—An Act concerning partition fences.

Read first time, and referred to the Committee on Agriculture.

By Mr. Enos: Senate Bill No. 201—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read first time, and referred to the Committee on Corporations.

Also: Senate Bill No. 202—An Act to abolish the office of Surveyor-General.

Read first time, and referred to the Judiciary Committee.

RESOLUTIONS.

By Mr. Pardee:

Resolved, That all further calls, by resolutions or otherwise, upon the Contingent Fund of the Senate be referred to the Committee on Contingent Expenses without debate, and that the Clerk transmit a copy of this resolution to the Committee on Contingent Expenses.

Adopted.

By Mr. Neumann:

Resolved, That the Clerk duly appointed by the Committee on Elections of the Senate shall receive a per diem of five dollars, from January sixteenth, eighteen hundred and eighty.

Referred to the Committee on Contingent Expenses.

By Mr. Nye:

Resolved, That the Sergeant-at-Arms be instructed to furnish to the Clerk of the Judiciary Committee twelve copies of every bill referred to said committee.

Adopted.

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 27th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

On motion of Mr. Chase, leave of absence for one day was granted Mr. Kane on account of sickness.

On motion of Mr. Carlock, leave of absence for one day was granted Mr. Brown.

PETITION.

Mr. Baker introduced the following:

To the Honorable the Legislature of the State of California:

GENTLEMEN: We, the undersigned patrons of the Public Schools of Santa Clara County, hereby most respectfully petition your honorable body that section one thousand five hundred and ninety-three of part three, title three, of the Political Code of the State of California, be so amended that the annual election of School Trustees shall hereafter take place on the first Tuesday in May of each year; and your petitioners will ever pray, etc.

L. ARCHER,
C. T. RYLAND,
J. S. DILLON,
A. T. GALLAGHER,
ALEX. MONTGOMERY,
G. E. BUCKNOW,
EDGAR POMEROY,
A. L. POMEROY,
W. H. GARDNER,
D. PARKER,
SAM. WALHEIM,
J. H. WILSON,
J. D. MARTIN,
C. W. LOVE,
JOHN NICHOLSON,
P. MOLONEY,

G. W. EASTER,
CHARLES PEOPLES,
S. L. LYNCH,
E. PANDINDE,
J. JOHNSON,
J. L. BALLARD,
J. R. WILSON,
C. H. VON HAYDEN,
S. D. HOSMER,
J. C. MERITHEW,
WM. ARAM,
J. A. SHOEMAKER,
S. BRUNIG,
PETER LAND,
J. MINKELMAIN,
E. M. CHAPMAN.

Read and referred to the Committee on Education.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 27th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 99—An Act to amend sections one thousand one hundred and eighty-one and one thousand one hundred and eighty-two of the Penal Code of California—have had the same under consideration, and report the same back with amendments, and without recommendation.

Also, Senate Bill No. 116—An Act to amend sections six hundred and thirteen, six hundred and seventeen, and six hundred and eighteen, of the Code of Civil Procedure, relating to trials by jury in civil actions—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 117—An Act to repeal section six hundred and sixty-three of the Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 124—An Act to amend sections seven hundred and fourteen and seven hundred and fifteen of the Code of Civil Procedure, relating to proceedings supplementary to execution—with amendments, and recommend its passage as amended by the committee.

Also, Senate Bill No. 125—An Act to amend sections seven hundred and forty-two, seven hundred and fifty-five, seven hundred and ninety-four, eight hundred and two, eight hundred and four, eight hundred and sixteen, and eight hundred and twenty-six, of the Code of Civil Procedure, relating to actions in particular cases—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 34—An Act to amend an Act entitled "An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof," approved March sixteenth, eighteen hundred and seventy-four—and recommend its passage.

Also, Assembly Bill No. 93—An Act in relation to certain deputies and assistants of County Clerks—and recommend its passage.

NYE, Chairman.

Mr. Wendell submitted the following:

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to which was referred Senate Bill No. 99—An Act to amend sections one thousand one hundred and eighty-one and one thousand one hundred and eighty-two of the Penal Code of California—respectfully dissent from the action of the majority of said committee, reporting said bill back without

recommendation. In our judgment, the criminal law as it stands affords ample protection to the rights of defendants. The bill in question proposes an innovation without precedent in the criminal jurisprudence of any State or country. It adds trial to trial, and without serving any useful purpose, increases largely the complexity, delays, and expense of our criminal administration. Deeming the proposed change unwise in principle, and mischievous in practice, we recommend that the bill do not pass.

J. F. WENDELL,
T. H. HITTELL,
J. W. SATTERWHITE.

Mr. Johnson moved that Senate Bill No. 99 be placed at the foot of the general file for to-day.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

SACRAMENTO, January 26th, 1880.

To the Senate of the State of California:

I have the honor to transmit to your honorable body the report of the Trustees of the California State Normal School. As but one copy has been received by me, I respectfully ask the same be transmitted to the Assembly.

GEO. C. PERKINS, Governor.

Mr. Baker moved that five hundred copies of the report of the Trustees of the State Normal School be printed for distribution, and that the report be transmitted to the Assembly.

Carried.

Committee on Contingent Expenses and Mileage granted one day longer to report on the resolution introduced yesterday by Mr. Johnson, and referred to said committee with instructions to report to-day.

INTRODUCTION AND READING OF BILLS.

By Mr. Enos: Senate Bill No. 203—An Act to regulate the levying of assessments or calls upon the capital stock of corporations.

Read first time, and referred to the Committee on Corporations.

By Mr. Carlock: Senate Bill No. 204—An Act for the relief of John E. Reynolds.

Read first time, and referred to the Judiciary Committee.

By Mr. Ryan: Senate Bill No. 205—An Act to define the meaning of certain terms used in section three thousand four hundred and forty of the Political Code.

Read first time, and referred to the Judiciary Committee.

By Mr. Satterwhite—Senate Bill No. 206—An Act prescribing the manner of assessing certain property.

Read first time, and referred to the Finance Committee.

By Mr. Sears: Senate Bill No. 207—An Act to provide for the maintenance, government, and discipline of the State Prison and its branches, of the State of California.

Read first time, and referred to the Committee on State Prison.

By Mr. Langford: Senate Bill No. 208—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code.

Read first time, and referred to the Committee on Judiciary.

By Mr. George: Senate Bill No. 209—An Act to empower Justices of the Peace to hold inquests concerning fires.

Read first time, and referred to the Judiciary Committee.

By Mr. Johnson: Senate Bill No. 210—An Act to regulate the

charges upon telegraph lines, and to prevent extortion by owners of telegraph lines.

Read first time, and referred to the Judiciary Committee.

GENERAL FILE.

President pro tem. Baker in the chair.

Senate Bill No. 94, passed on the file.

Senate Bill No. 32—An Act to amend sections seven hundred and twelve, seven hundred and twenty-eight, seven hundred and thirty-two, seven hundred and sixty, seven hundred and seventy-one, seven hundred and seventy-two, eight hundred and seventy-eight, eight hundred and twenty, eight hundred and fifty, eight hundred and ninety, nine hundred and thirty, one thousand one hundred and ninety-seven, one thousand three hundred and thirty, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand five hundred and fifteen, one thousand five hundred and sixteen, and one thousand five hundred and fifty-six, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, providing for certain proceedings before the Superior Courts, or the Judges thereof, in place of the Courts abolished by the new Constitution or their Judges.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and the bill, as amended, ordered engrossed.

Senate Bill No. 94, recommitted, upon motion of Mr. Enos, to the Judiciary Committee, with instructions to amend.

REPORT.

SENATE CHAMBER, SACRAMENTO, January 26th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bill, viz.: No. 94—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, relative to ministerial officers of the Supreme Court.

CHENEY, Chairman.

Senate Bill No. 34—An Act to amend sections eight hundred and seventy-two, eight hundred and seventy-five, and to repeal section eight hundred and seventy-four, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to commitments of persons charged with crime.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 38—An Act to amend sections one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to forfeiture of bail deposited in lieu of bail.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 39—On motion of Mr. Davis, ordered at the head of the general file for to-morrow.

Senate Bill No. 40—On motion of Mr. Davis, referred to the Committee on Education.

Senate Bill No. 93—An Act to amend section one hundred and thirty of the Code of Civil Procedure, relating to rules of Courts.

Read second time.

Senate considered as in the Committee of the Whole, and bill ordered engrossed.

At twelve o'clock and thirteen minutes P. M., on motion of Mr. Sears, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Brown, Carlock, Chase, Davis, Dickinson, Enos, George, Glasecock, Harlan, Hill, Hittell, Johnson, Kelly, Langford, Moreland, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck.

Quorum present.

GENERAL FILES CONTINUED.

Senate Bill No. 109—An Act to amend sections three hundred and sixty-seven, three hundred and seventy-two, and three hundred and seventy-three, of the Code of Civil Procedure, relating to parties to civil actions.

Read second time.

The Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three of the Code of Civil Procedure, relating to pleadings in civil actions.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 114—An Act to amend sections four hundred and eighty, four hundred and ninety-three, five hundred and twenty-five, five hundred and forty-eight, five hundred and fifty-four, five hundred and fifty-six, and five hundred and sixty-five, of the Code of Civil Procedure, relating to provisional remedies in civil actions.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 115—An Act to amend section five hundred and

ninety-three of the Code of Civil Procedure, relating to entry of civil causes on Court calendars.

Read second time.

Senate considered as in Committee of the Whole, and the bill ordered engrossed.

On motion of Mr. Johnson, special order for two o'clock P. M. was made the special order for two o'clock P. M., January 28th.

Senate Bill No. 99—An Act to amend sections one thousand one hundred and eighty-one and one thousand one hundred and eighty-two of the Penal Code of California.

Mr. Wendell moved to indefinitely postpone the bill.

The ayes and noes were called for by Messrs. Johnson, Davis, and Hittell, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Conger, Davis, George, Glascock, Harlan, Hill, Hittell, Johnson, Moreland, Neumann, Nye, Pardee, Satterwhite, Sears, Wendell, and Zuck—20.
 NOES—Messrs. Chase, Cheney, Enos, Johnston, Kelly, Langford, Pool, Ryan, and Watson—9.

Carried.

Mr. Johnson changed his vote from "no" to "aye," and gave notice that, to-morrow, he would move a reconsideration of the vote whereby the Senate indefinitely postponed the bill.

ADJOURNMENT.

At four o'clock and thirty-seven minutes P. M., on motion of Mr. Satterwhite, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
 Wednesday, January 28th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

Leave of absence was granted Messrs. Nelson and Kane for one day, on motion of Mr. Enos, on account of sickness.

REPORTS OF STANDING COMMITTEES.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, January 28th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 143—An Act to repeal an Act entitled "An Act for the appointment of Inspector of Stationary Steam-

boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco," approved March twenty-seventh, eighteen hundred and seventy-six—have had the same under consideration, and report the same back with a recommendation that the bill pass.

ENOS, Chairman.

By Mr. Davis:

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 12—An Act to authorize the election of women to school offices—have had the same under consideration and report it back, with the recommendation that it do not pass, as the present law already covers the provisions of said bill.

DAVIS, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, January 27th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 50—An Act relating to trade marks filed in the office of the Secretary of the State—have had the same under consideration, and report the same back to the Senate, and recommend its indefinite postponement, as the said bill is covered by the provisions contained in section three thousand one hundred and ninety six of the Political Code, section six hundred and fifty-five of the Civil Code, and section three hundred and fifty-one and following of the Penal Code.

Also, Senate Bill No. 96—An Act to amend sections one and two of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March thirtieth, eighteen hundred and seventy-eight—report the same back, with amendments, and recommend its passage as amended.

NYE, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 26th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-second, eighteen hundred and eighty, passed Assembly Bill No. 23—entitled an Act to amend section one thousand four hundred and fifty-two of the Code of Civil Procedure, in relation to limitations of actions brought by heirs and devisees.

Also, that on January twenty-second, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 22—entitled an Act to provide for the receipt and appropriation of donations to the State or counties, or cities and counties, or cities or towns therein.

Also, that on January twenty-second, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 32—entitled an Act to amend sections seven hundred and thirty-seven, seven hundred and forty-six, seven hundred and forty-nine, and seven hundred and fifty-three of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to impeachments.

Also, that on January twenty-second, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 33—entitled an Act to amend sections one thousand four hundred and seventy-five and one thousand five hundred and four of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the writ of habeas corpus.

Also, that on January twenty-second, eighteen hundred and eighty, the Assembly adopted Assembly Joint Resolution No. 2, relative to the protection of the commercial interests of the Pacific Coast.

Also, that on January twenty-second, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 45—entitled an Act to amend sections three thousand four hundred and fifteen, three thousand four hundred and sixty-six, three thousand four hundred and ninety-five, three thousand five hundred, and three thousand five hundred and forty-eight, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the public lands of this State.

Also, that on January twenty-third, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 31—entitled an Act to amend sections one thousand four hundred and eighteen and one thousand four hundred and nineteen of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to repleves, commutations, and pardons.

Also, that on January twenty-third, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 50—entitled an Act to add a new section, to be known as section seven hundred and ninety-six, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the local jurisdiction of prosecutions for libel.

Also, that on January twenty-third, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 51—entitled an Act to repeal sections forty-one, eighty-seven, eighty-eight,

ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and thirty-nine, one hundred and forty, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-seven, one hundred and eighty-eight, two hundred and eleven, nine hundred and sixty-six, nine hundred and sixty-nine, one thousand and fifty-six, one thousand three hundred and seventy-two, and one thousand four hundred and six, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, in relation to Courts of justice and judicial officers.

Also, that on January twenty-third, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 52—entitled an Act to amend sections three thousand four hundred and ninety-one and three thousand four hundred and ninety-two of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to public nuisances.

Also, that on January twenty-third, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 54—entitled an Act to amend sections three hundred and ten and three hundred and eleven of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the enactment of statutes.

Also, that on January twenty-third, eighteen hundred and eighty, the Assembly concurred in Senate Concurrent Resolution No. 13—Relative to joint meetings of certain committees of the Senate and of the Assembly.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 23, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 22, above reported, read first time, and referred to the Committee on Education.

Assembly Bill No. 32, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 33, above reported, read first time, and referred to the Judiciary Committee.

Assembly Joint Resolution No. 2, above reported, read first time, and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 45, above reported, read first time, and referred to the Committee on Swamp and Overflowed Land.

Assembly Bill No. 31, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 50, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 51, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 52, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 54, above reported, read first time, and referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Satterwhite: Senate Bill No. 211—An Act to amend section one thousand four hundred and twenty of the Civil Code, relating to water rights and riparian proprietors.

Also: Senate Bill No. 212—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure, in relation to taking private property for public use.

Each of the above bills read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

Also: Senate Bill No. 213—An Act to amend section three hundred and fifty-eight of the Civil Code of the State of California, concerning corporations.

By Mr. Johnson: Senate Bill No. 214—An Act to amend section one thousand six hundred of the Political Code, in reference to challenge at school elections.

Read first time, and referred to the Committee on Corporations.

Read first time, and referred to the Committee on Education.

By Mr. Neumann: Senate Bill No. 215—An Act to establish a quarantine at the Harbor of San Francisco.

Read first time, and referred to the Committee on Commerce and Navigation.

By Mr. Chase: Senate Bill No. 216—An Act to amend sections two hundred and ninety-four and two hundred and ninety-five of the Civil Code of the State of California, concerning corporations.

Read first time, and referred to the Committee on Corporations.

By Mr. Enos: Senate Bill No. 217—An Act relative to official bonds.

Read first time, and referred to the Judiciary Committee.

By leave, Senator Baker, Chairman of the Committee on Federal Relations, withdrew Senate Concurrent Resolution No. 10, as reported by said committee.

Mr. Johnson, pursuant to notice given by him yesterday, moved to reconsider the vote whereby Senate Bill No. 99, an Act, etc., was indefinitely postponed January twenty-seventh, eighteen hundred and eighty; whereupon he moved that the motion to reconsider be made the special order for Friday, January thirtieth, eighteen hundred and eighty, at eleven o'clock A. M.

Upon suggestion, the Chair authorized Mr. Enos to act for Mr. Kane on the Committee on State Prisons.

GENERAL FILE.

Senate Bill No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-two, eight hundred, eight hundred and one, eight hundred and two, eight hundred and six, eight hundred and eighty-eight, nine hundred and forty-nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, nine hundred and fifty-five, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and fifty-nine, nine hundred and sixty, nine hundred and sixty-one, nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, nine hundred and sixty-eight, nine hundred and sixty-nine, nine hundred and seventy, nine hundred and seventy-one, nine hundred and seventy-two, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and eighty-one, nine hundred and eighty-two, nine hundred and eighty-five, nine hundred and eighty-eight, nine hundred and eighty-nine, nine hundred and ninety, nine hundred and ninety-five, nine hundred and ninety-six, nine hundred and ninety-seven, nine hundred and ninety-eight, nine hundred and ninety-nine, one thousand and four, one thousand and five, one thousand and eight, one thousand and nine, one thousand and twelve, one thousand and sixteen, one thousand and seventeen, one thousand and eighteen, one thousand and nineteen, one thousand and twenty-one, one thousand and twenty-two, one thousand one

hundred and twenty-three, one thousand and twenty-four, one thousand and twenty-five, one thousand and thirty-three, one thousand and forty-three, one thousand and forty-seven, one thousand and forty-eight, one thousand and fifty-two, one thousand and sixty-five, one thousand and seventy-four, one thousand and ninety-three, one thousand and ninety-five, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand one hundred and three, one thousand one hundred and four, one thousand one hundred and thirteen, one thousand one hundred and fourteen, one thousand one hundred and fifteen, one thousand one hundred and seventeen, one thousand one hundred and twenty-one, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, one thousand one hundred and thirty-one, one thousand one hundred and forty-one, one thousand one hundred and forty-eight, one thousand one hundred and fifty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and fifty-eight, one thousand one hundred and fifty-nine, one thousand one hundred and sixty, one thousand one hundred and sixty-five, one thousand one hundred and seventy, one thousand one hundred and eighty-one, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand two hundred, one thousand two hundred and seven, one thousand two hundred and thirty-eight, one thousand two hundred and seventy-three, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-seven, one thousand eight hundred and eighty-nine, one thousand three hundred and ten, one thousand three hundred and twenty-six, one thousand three hundred and thirty-five, one thousand three hundred and forty-six, one thousand three hundred and forty-nine, one thousand three hundred and fifty-four, one thousand three hundred and fifty-eight, one thousand three hundred and sixty-eight, one thousand three hundred and seventy, one thousand three hundred and seventy-three, one thousand three hundred and eighty-two, one thousand three hundred and eighty-three, one thousand three hundred and ninety-five, one thousand three hundred and ninety-six, one thousand four hundred and one, and one thousand four hundred and twenty-nine, of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and to add a new section thereto, to be known as section eight hundred and nine, to provide for prosecutions, and to adapt the provisions of said Code thereto.

Read second time.

The Senate considered as in Committee of the Whole.

Amendments adopted, and the bill, as amended, ordered engrossed.

Senate Bill No. 116—An Act to amend sections six hundred and thirteen, six hundred and seventeen, and six hundred and eighteen, of the Code of Civil Procedure, relating to trials by jury in civil actions.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 117—An Act to repeal section six hundred and sixty-three of the Code of Civil Procedure.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 124—An Act to amend sections seven hundred and fourteen and seven hundred and fifteen of the Code of Civil Procedure, relating to proceedings supplementary to execution.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

On motion of Mr. Pardee, leave of absence for the balance of the day was granted the members of the Committee on Finance.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Glaseock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

RESOLUTION.

By leave, Mr. Ryan introduced the following:

Resolved, That all Assembly Bills which are now in the possession of this Senate be returned to the Assembly, with a request that the Assembly read said bills at length three times, on three several days, to meet the requirements of the Constitution, as interpreted by the Supreme Court.

Mr. Brown moved to lay the resolution on the table.

Carried.

On motion of Mr. Johnson, Senate Bill No. 63, special order for one o'clock and thirty minutes P. M. to-day, was made the special order for February fourth, at one o'clock and thirty minutes P. M.

GENERAL FILE—CONTINUED.

Senate Bill No. 125—An Act to amend sections seven hundred and forty-two, seven hundred and fifty-five, seven hundred and ninety-four, eight hundred and two, eight hundred and four, eight hundred and sixteen, and eight hundred and twenty-six, of the Code of Civil Procedure, relating to actions in particular cases.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Mr. Sears moved that no further consideration be taken of the Assembly Bills on the general file.

Lost.

Assembly Bill No. 34—An Act to amend an Act entitled "An Act to define the Senatorial and Assembly Districts of the State, and to

apportion the representation thereof," approved March sixteenth, eighteen hundred and seventy-four.

Read second time.

Mr. Baker moved that the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. Hittell, Chase, and Enos, with the following result:

AYES—Messrs. Baker, Chase, Conger, Enos, George, Glascock, Harlan, Johnston, Kelly, Langford, Moreland, Pool, West, and Zuck—14.

NOES—Messrs. Burt, Cheney, Davis, Dickinson, Hill, Hittell, Johnson, Nelson, Neumann, Nye, Satterwhite, Sears, Watson, and Wendell—14.

Tie vote.

The Chair declared the motion lost.

Bill ordered on general file.

On motion of Mr. Hittell, the special order for two o'clock P. M. was postponed until two o'clock P. M., to-morrow.

Assembly Bill No. 93—Consideration of same postponed until Friday, January thirtieth, at two o'clock P. M., on motion of Mr. Sears.

Assembly Concurrent Resolution No. 9, expressive of sympathy for the people of Ireland, read second time.

Senate considered as in Committee of the Whole, and resolution ordered on general file.

REPORT.

By Mr. Johnston:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 133, have had the same under consideration, and report the same back, together with a substitute, and recommend the passage of the substitute.

JOHNSTON, Chairman.

Substitute above reported—An Act to repeal an Act entitled an Act to provide for the extermination of squirrels in certain counties—read first time, and ordered on the general file.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, January 28th, 1880.

MR. PRESIDENT: Your Committee on Federal Relations have considered Senate Concurrent Resolution No. 10, and report the same back to the Senate with amendments. The committee recommend the passage of the resolutions as amended.

BAKER, Chairman.

RESOLUTIONS.

By Mr. Baker:

Resolved, That the Secretary be and is hereby instructed to arrange the general file, by placing together thereon all bills which are on their second reading, all such bills to be printed first upon the file; and to arrange afterwards, on the general file, and under another and separate heading, all bills which have been reported engrossed by the Committee on Engrossment, and are on their third reading and passage.

Referred to the Committee on Rules.

By Mr. Sears:

Resolved, That the per diem of the Clerks of the Standing Committees of the Senate be paid out of the Contingent Fund of the Senate.

Adopted.*

By Mr. Neumann: Senate Concurrent Resolution No. 16, relating to leave of absence being granted the Committees on Mines and Mining.

Adopted.

By Mr. Hill:

Resolved, That Major Thomas Williams is hereby appointed Day Watchman of the lobby of the Senate: the date of his services to commence January ninth, eighteen hundred and eighty, that being the date of his appointment by the Secretary of State.

Referred to the Committee on Contingent Expenses and Mileage.

By Mr. Satterwhite:

Resolved, That the Porters and Gatekeepers of the Senate be directed to assist the Pages in arranging, numerically, the bills distributed to Senators.

Adopted.

By Mr. Zuck:

REPORTS.

SENATE CHAMBER, SACRAMENTO, January 27th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the resolution in reference to allowing a Clerk to the Committee on Labor and Capital, and the Committee on Chinese and Chinese Immigration, and the Committee on State Library, jointly, at a per diem of five dollars, in full for all such services, have had the same under consideration, and report the same back to the Senate, and recommend that the same be not adopted.

Also, the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby requested to procure a suitable room for the Committee on Agriculture and Swamp Land.

Report the same back and recommend that the resolution be laid on the table, as Room Thirteen has been set apart for the use of said committee.

Also, the following resolution:

Resolved, That the Committees on Agriculture and Swamp Lands be and are hereby authorized to employ a Clerk for the service of the joint committees, at a per diem of five dollars, payable out of the fund for the contingent expenses of the Senate.

Report the same back, and recommend that the Clerk of the Committees on Commerce and Navigation and Military Affairs act as Clerk of said Committee on Agriculture and Swamp Land, without any additional pay.

Also, the following resolution:

Resolved, That the Clerk duly appointed by the Committee on Elections of the Senate shall receive a per diem of five dollars from January sixteenth, eighteen hundred and eighty.

Report the same back, with a recommendation that it be adopted.

ZUCK, Chairman.

On motion of Mr. Johnson, the resolution was made the special order for to-morrow, immediately after the reading of the Journal.

By Mr. Watson:

Resolved, That the Sergeant-at-Arms be directed to deliver no bills from his office, except upon the written order of a Senator or to Senators personally.

Adopted.

Also:

Resolved, That Reporters occupying desks on the floor of the Senate be supplied by Pages with one copy of all bills and documents printed by order of the Senate.

Adopted.

Also:

Resolved, That twenty-five dollars in postage stamps be equally divided between the Sergeant-at-Arms and Secretary of the Senate, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses and Mileage.

By Mr. Enos:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to furnish the San Francisco delegation with twelve copies of all bills which have been or may be referred to said delegation.

Lost.

FURTHER INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Johnson: Senate Bill No. 218—To prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 219—An Act to amend section three of an Act entitled an Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four.

Read first time, and referred to the Committee on Public Buildings.

By Mr. Langford: Senate Bill No. 220—An Act for the protection of certain kinds of fish.

Read first time, and referred to the Committee on Fisheries and Game.

By Mr. Moreland: Senate Bill No. 221—An Act to compel railroad corporations, or individuals owning railroads, to operate their roads.

Read first time, and referred to the Committee on Corporations.

Mr. Johnson moved to reconsider the vote by which Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California—was referred to the Judiciary Committee.

The motion prevailed, and, on motion of Mr. Johnson, the bill was referred to the Committee on Chinese and Chinese Emigration.

By Mr. Enos: Senate Bill No. 222—An Act to define the duties of the Governor and Legislature, under section one of article seven of the Constitution, relating to the pardoning power.

Read first time, and referred to the Judiciary Committee.

By Mr. Davis: Senate Bill No. 223—An Act to amend section one thousand three hundred and eighty-six of the Civil Code.

Read first time, and referred to the Judiciary Committee.

By Mr. Enos (by request): Senate Bill No. 224—An Act to provide for the payment of certain property heretofore taken for public use in the City and County of San Francisco.

Read first time, and referred to the San Francisco delegation.

The Chair announced that the Standing Committee on Rules would act as members of the Joint Committee on Rules of the Senate and Assembly, to be appointed as authorized by resolution heretofore adopted.

Mr. Enos called up the resolution introduced by him on the thirteenth and referred to the Committee on Rules, relating to the addition of a new rule, entitled Rule Fifty-one.

Resolution read and adopted.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 29th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. BAKER, BART, BROWN, CARLOCK, CHASE, CHENEY, CONGER, DAVIS, DICKINSON, EYRE, GEORGE, GRISWOLD, HARTMAN, HILL, HITTALL, JOHNSON, JOHNSON, KANE, LANGFORD, MANSFIELD, NEWMANN, NEWMANN, NYE, PARDEE, POOL, RYAN, SATTERTWORTH, SEARS, TRAYLOR, WATSON, WENDALL, WEST, and ZUCK.

Quorum present.

The Journal of twenty-eighth read and approved.

Leave of absence granted Mr. Kane for one day.

SPECIAL ORDER.

The report of the Committee on Contingent Expenses and Mileage of yesterday, which was made the special order for to-day, immediately after the reading of the Journal, was taken up.

The question recurred upon the adoption of the resolution introduced by Mr. Johnson, authorizing the appointment of a Clerk for certain committees, and adversely reported upon by the Committee on Contingent Expenses and Mileage.

The ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. BROWN, CHASE, CHENEY, CONGER, DICKINSON, EYRE, HARTMAN, JOHNSON, JOHNSON, KANE, LANGFORD, NEWMANN, POOL, RYAN, SATTERTWORTH, and TRAYLOR—17.

NOES—Messrs. BAKER, BART, CARLOCK, DAVIS, GEORGE, GRISWOLD, HILL, HITTALL, NYE, PARDEE, SEARS, WATSON, WENDALL, WEST, and ZUCK—15.

Resolution adopted.

The question recurred upon the adoption of the resolution of Mr. Johnston as reported back by the above committee.

Mr. Baker offered the following as an amendment: "That the Committees on Military Affairs and Commerce and Navigation be added to the resolution."

The ayes and noes were demanded, with the following result:

AYES—Messrs. BAKER, BART, DAVIS, GEORGE, HILL, MANSFIELD, NYE, PARDEE, SEARS, and WEST—10.
NOES—Messrs. BROWN, CARLOCK, CHASE, CHENEY, CONGER, DICKINSON, EYRE, GRISWOLD, HARTMAN, HITTALL, JOHNSON, JOHNSON, KANE, LANGFORD, NEWMANN, POOL, RYAN, SATTERTWORTH, TRAYLOR, WATSON, WENDALL, and ZUCK—23.

Lost.

Resolution as introduced was adopted.

Resolution as reported back, recommending the appointment of Clerk for the Committee on Elections, recommending its adoption.

Resolution read and adopted.

REPORTS.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, January 29th, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 11—Relative to the manufacture of jute at the State Prison, and the introduction of raw material free of duty—beg leave to report that they have considered the same, and report the same back to the Senate with the recommendation that the resolution be adopted.

BAKER, Chairman.

Senate Concurrent Resolution No. 11, above reported, read second time, and ordered on general file.

By Mr. Neumann:

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of contest of T. J. Pinder, contestant, against W. W. Traylor, the sitting member, respondent, report that upon examination of the matter they find that the contestant has not complied, in making this contest, with the statutory requirements, and that the statement upon which said contest is based is irregular and insufficient to sustain the said contest. Your committee further find, from the evidence and returns of the Registrar of Voters and the election officers before them, that the sitting member is entitled to his seat.

NEUMANN, Chairman.

On motion of Mr. Satterwhite, the report was made the special order for Tuesday next, at eleven o'clock A. M.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, January 29th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 4—An Act to provide for the trial of offenses upon information—have had the same under consideration, and report the same back to the Senate, and recommend that it be indefinitely postponed, for the reason that the provisions of the bill are met by Senate Bill No. 39.

Also, Senate Bill No. 67—An Act repealing section four hundred and twenty of the Penal Code, in reference to the inciting of riots, etc.—and recommend the passage of the bill.

Also, Senate Bill No. 45—An Act to repeal an Act entitled "An Act to amend the Penal Code," approved January nineteenth, eighteen hundred and seventy—and recommend that it be indefinitely postponed, for the reason that its object is met by Senate Bill No. 67.

Also, Senate Bill No. 47—An Act to secure to all persons freedom in the selection of an occupation, profession, or employment—and recommend that it be indefinitely postponed, as it works no change in the present law.

Also, Senate Bill No. 48—An Act to prohibit and abolish the fee system—and recommend that said bill be committed to the Committee on County and Township Governments.

Also, Senate Bill No. 69—An Act requiring elected officials to take and subscribe an oath as to certain things—and report the same back, and recommend its indefinite postponement, for the reason of its unconstitutionality, conflicting with section three, article twenty, of the Constitution.

NYE, Chairman.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, January 29th, 1880.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Joint Resolution No. 3, beg leave to report that they have had the same under consideration, and report the same back with a recommendation that it pass.

BURT, Chairman.

By Mr. Sears:

MR. PRESIDENT: Your Committee on Rules, to whom was referred certain amendments, beg leave to report the same back with substitutes, and recommend their adoption.

Your committee report against the adoption of Senator Johnston's amendment to the rules.

SEARS, Chairman.

Upon motion of Mr. Sears, the rules were suspended, and the following rules, as reported, adopted.

Amend as follows:

RULE SIX—READING, REFERENCE, AND PRINTING OF BILLS.

Every bill shall be read on three several days previous to its passage. When a bill is introduced, it shall be read at length, and referred to an appropriate committee and printed, which shall be the first reading of the bill. When a bill is reported back from a committee with amendments, or otherwise, it shall be considered as though the Senate were in Committee of the Whole, and when the same is perfected to the satisfaction of the Senate it shall be read at length a second time, which shall be the second reading of the bill, and engrossed and printed. On the final passage of a bill it shall be read at length by sections, which shall be the third reading of the bill. On the final passage of a bill the roll of Senators shall be called and the vote taken by yeas and nays, which shall be recorded in the Senate Journal, and no bill shall be declared passed unless a majority of the Senators elected vote for the passage of the same. The presiding officer of the Senate shall give notice at each reading, whether it be the first, second, or third reading of the bill. The first and second readings of a bill at length may be dispensed with in case of urgency by a two-thirds vote of the Senate, by a vote of yeas and nays.

Amend as follows:

RULE FORTY-FIVE—PRINTING.

Three hundred and sixty copies of all bills shall be printed: and the Sergeant-at-Arms shall be required to certify to the reception, by the Senate, of all printed matter, and the quantity, before payment shall be made or bills audited therefor. Two copies of each bill or paper, printed by order of the Senate, shall be delivered to each Senator, and six copies to the committee to whom such bill is referred, and the balance shall be distributed according to law.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 29th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-eighth, eighteen hundred and eighty, passed Assembly Bill No. 53—An Act to amend section two thousand one hundred and seventy of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to common carriers.

Also, that on January twenty-eighth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 20—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county issued to the Big Tree and Carson Valley Turnpike Company, which became due on or about the eighth day of August, eighteen hundred and seventy-eight, and to provide for the payment of the same.

Also, that on January twenty-eighth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 46—An Act to amend sections three thousand nine hundred and seventy-seven, three thousand nine hundred and seventy-nine, three thousand nine hundred and eighty-one, and three thousand nine hundred and eighty-four, and to repeal section three thousand nine hundred and seventy-eight of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the removal of county seats.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 53, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 20, above reported, read first time, and, on motion of Mr. West, referred to the Judiciary Committee with instructions to inquire whether a general law could not be made applicable.

Assembly Bill No. 46, above reported, read first time and referred to the Committee on County and Township Governments.

REPORT.

By Mr. Cheney:

SENATE CHAMBER, January 29th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bills, viz: No. 32—An Act to amend sections seven hundred and twelve, seven hundred and twenty-eight, seven hundred and thirty-two, seven hundred and sixty, seven hundred and seventy-one, seven hundred and seventy-two, eight hundred and eighteen, eight hundred and twenty, eight hundred and fifty, eight hundred and ninety, nine hundred and thirty-five, one thousand one hundred and ninety-seven, one thousand three

hundred and thirty, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand five hundred and fifteen, one thousand five hundred and sixteen, and one thousand five hundred and fifty-six, of the Penal Code, providing for certain proceedings before the Supreme Court or the Judges thereof.

No. 34—An Act to amend sections eight hundred and seventy-two, eight hundred and seventy-five, and to repeal section eight hundred and seventy-four, of the Penal Code, relating to commitments of persons charged with crime.

No. 38—An Act to amend sections one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven, of the Penal Code, relating to forfeiture of bail, or money deposited in lieu of bail.

No. 93—An Act to amend section one hundred and thirty of the Code of Civil Procedure, relating to rules of Courts.

No. 109—An Act to amend sections three hundred and sixty-seven, three hundred and seventy-two, and three hundred and seventy-three, of the Code of Civil Procedure, relating to parties to civil actions.

No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions.

No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three, of the Code of Civil Procedure, relating to pleadings in civil actions.

No. 114—An Act to amend sections four hundred and eighty, four hundred and ninety-three, five hundred and twenty-five, five hundred and forty-eight, five hundred and fifty-four, five hundred and fifty-six, and five hundred and sixty-five, of the Code of Civil Procedure, relating to provisional remedies in civil actions.

And No. 115—An Act to amend section five hundred and ninety-three of the Code of Civil Procedure, relating to entry of civil causes on Court calendars.

CHENEY, Chairman.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Ryan: Senate Bill No. 225—An Act to regulate the rate which may be charged as interest on money in this State.

Read first time, and referred to the Committee on Judiciary.

By Mr. Hittell: Senate Bill No. 226—An Act to amend section one thousand five hundred and eighty-six of the Penal Code, relating to the transportation of convicts to the State Prisons.

Read first time, and referred to the Committee on Judiciary.

Also: Senate Bill No. 227—An Act to amend section two thousand two hundred and twenty-one of the Political Code, relating to transportation of insane persons to Asylums.

Read first time, and referred to the Committee on Judiciary.

By Mr. Johnson: Senate Bill No. 228—An Act making appropriations for the support of orphans, half orphans, and abandoned children, for the thirty-second and thirty-third fiscal years.

Read first time, and referred to the Finance Committee.

By Mr. Brown: Senate Bill No. 229—An Act to repeal an Act to provide for the improvement and maintenance of the public roads in the County of El Dorado, approved March twenty-sixth, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Roads and Highways.

By Mr. Baker: Senate Bill No. 230—An Act to amend section one thousand one hundred and seventy-four of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 143—An Act to repeal an Act entitled "An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and

County of San Francisco," approved March twenty-seventh, eighteen hundred and seventy-six.

Senate Bill No. 12—An Act to authorize the election of women to school offices.

Above bills read second time.

Senate considered as in Committee of the Whole, and bills ordered engrossed.

Senate Bill No. 50—An Act relating to trade-marks filed in the office of the Secretary of State.

Bill read second time, and on motion indefinitely postponed.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

GENERAL FILE—CONTINUED.

Senate Bill No. 96—An Act to amend sections one and two of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps, upon the logs cut and hauled by the persons who employ them," approved March thirtieth, eighteen hundred and seventy-eight.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January 29th, 1880. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have nominated James D. Boyer, of San Bernardino, as Brigadier-General, First Brigade, N. G. C., vice P. W. Murphy, refused confirmation by the Senate, and respectfully ask the Senate to consent to his appointment.

GEO. C. PERKINS, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of Jas. D. Boyer as Brigadier-General, First Brigade, N. G. C., vice P. W. Murphy, refused confirmation by the Senate?" the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos,

George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—29.
 NOES—None.

Whereupon, the President announced the appointment of Jas. D. Boyer as Brigadier-General, First Brigade, N. G. C., duly confirmed.
 Senate Concurrent Resolution No. 10—Relating to the Franco-American Treaty.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and resolution, as amended, ordered engrossed.

THIRD READING OF BILLS.

Assembly Bill No. 34—An Act to amend an Act entitled "An Act to define the Senatorial and Assembly Districts of the State, and to apportion the representation thereof," approved March sixteenth, eighteen hundred and seventy-four.

Mr. Glascock offered the following protest against the same, with the request that it be entered upon the Journal:

SENATE CHAMBER, JANUARY 29th, 1880.

MR. PRESIDENT: As it is a fact well known to every member of the Senate that Assembly Bill No. 34 was not read at length the first and second times in the Assembly, nor was the provision contained in section fifteen, of article four, of the Constitution, suspended. I therefore most respectfully protest against any further action by the Senate upon Assembly Bill No. 34.

On motion, Assembly Bill No. 34 was referred to the Committee on Rules, said committee to act as a Conference Committee.

Assembly Concurrent Resolution No. 9—Expressive of sympathy for the people of Ireland.

Read third time.

Senate considered as in Committee of the Whole.

The roll was called, and the resolution passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—30.

NOES—None.

SPECIAL ORDER FOR TWO O'CLOCK P. M.

Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of stock thereof, and electing other officers.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Conger offered the following amendment: Amend section two of said Act by adding after the words "take part in the further proceedings," on lines nine and ten, page two, "*provided*, that the owner of any stock, who appears at subsequent meetings with his stock properly indorsed, shall be considered a stockholder, and entitled to take part in the proceedings as such, and to the extent of such stock, notwithstanding his said stock may appear on the books of such corporation in the name of another person as trustee."

Lost.

Mr. Enos offered the following amendment: Amend section one

by striking therefrom, where it first appears, the words "on the books," and substitute in lieu thereof the words "owners of stock."

Lost.

Also: "Amend section two by striking therefrom, after the word "those," wherever it appears, the words "claiming to be," and substituting in lieu thereof the words "who are the."

Lost.

On motion of Mr. Enos, the bill was recommitted to the Committee on Corporations.

At four o'clock and forty-five minutes P. M., Mr. Pardee moved to adjourn.

Lost.

Senate Bill No. 133—An Act entitled an Act to provide for the extermination of squirrels in certain counties.

Taken up out of its order.

Substitute read second time and adopted, and, on motion of Mr. West, was ordered engrossed.

ADJOURNMENT.

On motion of Mr. Satterwhite, at four o'clock and forty minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 30th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Wendell:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith, have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

WENDELL, Acting Chairman.

Mr. Satterwhite offered the following minority report of the Committee on Elections:

MR. PRESIDENT: In the matter of T. J. Pinder vs. W. W. Traylor: The contestant, in the statutory time, filed his statement of the grounds of contest, before the proper officer, to which the respondent filed an answer. Subsequently a copy of a commission authorizing and directing two designated Justices of the Peace to take testimony in the case, was served upon the respondent, and the commission contained a notice of time and place of taking such testimony.

The respondent appeared before the Justices of the Peace and filed a special appearance, and claimed that no sufficient notice had been served upon him of time and place of taking testimony. He also filed a demurrer to the statement or complaint of contestant, on the grounds that it was not sufficiently specific, or in other words, that the statement does not state facts sufficient to show a *prima facie* case of contest.

Testimony was taken by the Justices of the Peace, and was filed in the case, respondent being present while the witnesses were examined, and cross-examined them.

Counsel for respondent moved the committee to dismiss the contest on the grounds above stated.

The counsel for contestant claims that the proceedings are sufficient, and even if they are not, the Senate having the constitutional power to inquire into the election and qualifications of its members, should take up the question, and, by investigation, find out who is elected, the contestant or sitting member, and moved the committee to subpoena the Registrar of Voters of San Francisco, to bring the ballots in this Senatorial District before the committee, so that they may be counted.

The undersigned, a minority of your committee, are of the opinion that the statement of grounds of contest or the complaint is sufficient; and if it were not, the respondent filed a general answer thereto, thereby admitting its sufficiency; that the respondent had full and sufficient notice of the time and place of taking the testimony, and before whom it would be taken. The respondent cites a case in a contest for a county office before a Court of common law jurisdiction, in which it was held that the charges of fraud were not sufficiently specific, but the minority of your committee are of the opinion that the authority is not in point.

First—Because if this contest were before a Court, the contestant would have leave to amend his statement or complaint and to make it sufficiently specific, but before the committee he had no such opportunity.

Second—That by the practice and decisions of the Courts, respondent waived the defects of the statement by answering generally.

Third—That by the constitutional power of the Senate, when a contest is brought to its notice, it has the full right to inquire into the whole matter.

The majority of your committee did not look into or consider the testimony laid before the committee, but concluded to dismiss the whole proceedings upon the objections taken.

The undersigned believe that the committee and the Senate should not only consider the testimony already taken, but should order a recount of the ballots, and recommend the adoption of the following resolution:

Resolved, That the Committee on Elections be directed to consider the testimony already taken in the case of T. J. Pinder vs. W. W. Traylor, and to issue its subpoena to the Registrar of Voters in the City and County of San Francisco, directing him to bring with him the ballots cast in the Ninth Senatorial District, and that said committee count said ballots and report the result to the Senate.

J. W. SATTERWHITE,
P. H. RYAN,
W. L. ANDERSON.

SENATE CHAMBER, SACRAMENTO, January 30th, 1880.

MR. PRESIDENT: The Committee on Education, to whom was referred Assembly Bill No. 29—An Act to continue in force School Teachers' Certificates, State Educational Diplomas, and Life Diplomas, have had the same under consideration, and report the same back, recommending its passage.

DAVIS, Chairman.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Johnson: Senate Bill No. 231—An Act to provide for the payment of the claim of H. L. Nichols.

Read first time, and referred to the Committee on Claims.

By Mr. Sears: Senate Bill No. 232—An Act concerning the trial of escaped convicts from the State Prison, and the costs of the same.

Also: Senate Bill No. 233—An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroner's inquests in said prison.

Also: Senate Bill No. 234—An Act concerning the trial of convicts for crimes committed in the State Prison, and the costs of the same.

Each of the above bills read first time, and referred to the Judiciary Committee.

SECOND READING AND ENGROSSMENT OF BILLS.

Senate Bill No. 4—An Act to provide for the trial of offenses upon information.

Read second time.

The Senate considered as in Committee of the Whole.

On motion of Mr. Hittell, the same was indefinitely postponed.

Senate Bill No. 67, passed on file.

Senate Bill No. 45—An Act to repeal an Act entitled "An Act to amend the Penal Code," approved January nineteenth, eighteen hundred and seventy.

Senate Bill No. 47—An Act to secure to all persons freedom in the selection of an occupation, profession, or employment.

Each of the above bills indefinitely postponed, on motion of Mr. Hittell.

Senate Bill No. 69—An Act requiring elected officials to take and subscribe an oath as to certain things.

Mr. Hittell moved to indefinitely postpone the bill.

The ayes and noes were called for by Messrs. Johnson, Enos, and Chase, with the following result:

Ayes—Messrs. Anderson, Baker, Bark, Carlson, Chase, Cheney, Conger, Davis, Dickerson, George, Granger, Harlan, Hewitt, Hutton, Johnston, Neumann, Pader, Rowell, Satterwhite, Sears, Traylor, Wendell, and Zuck—23.

Noes—Messrs. Brown, Elmer, Gorman, Hall, Johnson, Kelly, Pool, Ryan, and West—9.

Carried.

On motion of Mr. Johnson, leave of absence for three days was granted the State Prison Committee.

Senate Concurrent Resolution No. 11—Relative to employment of prison labor.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Hittell moved to amend by inserting "and that" after the words "wool sacks."

Carried.

Amendments adopted, and resolution, as amended, ordered engrossed.

Senate Joint Resolution No. 3—Relative to prohibition of the importation of distilled liquors and of distilleries, except for mechanical and medicinal purposes.

Read second time.

Senate considered as in Committee of the Whole.

Resolution ordered engrossed.

THIRD READING.

Senate Concurrent Resolution No. 10—Relative to proposed Franco-American treaty.

Read third time.

At eleven o'clock A. M., the time having arrived for the consideration of the special order, the same, on motion, was continued until after the disposition of the resolution under consideration.

Amendments to resolution concurred in.

The Senate considered as in Committee of the Whole.

The roll was called, and the resolution passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glaseock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Langford, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Wendell, West, and Zuck—31.

NOES—None.

The title was then read, and the same approved as read.

SPECIAL ORDER—FRIDAY, JAN. THIRTIETH, AT ELEVEN O'CLOCK A. M.

Consideration of motion of Senator Johnson to reconsider indefinite postponement, January twenty-seventh, of Senate Bill No. 99.

The ayes and noes were demanded by Messrs. Johnson, Davis, and Chase, with the following result :

AYES—Messrs. Chase, Cheney, Enos, Gorman, Johnson, Johnston, Kelly, Langford, Nelson, Pool, and Ryan—11.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Conger, Davis, Dickinson, George, Glaseock, Harlan, Hill, Hittell, Neumann, Pardee, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—22.

Lost.

GENERAL FILE—CONTINUED.

Senate Bill No. 32—An Act to amend sections seven hundred and twelve, seven hundred and twenty-eight, seven hundred and thirty-two, seven hundred and sixty, seven hundred and seventy-one, seven hundred and seventy-two, eight hundred and seventy-eight, eight hundred and twenty, eight hundred and fifty, eight hundred and ninety, nine hundred and thirty, one thousand one hundred and ninety-seven, one thousand three hundred and thirty, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand five hundred and fifteen, one thousand five hundred and sixteen, and one thousand five hundred and fifty-six, of the Penal Code, providing for certain proceedings before the Superior Courts, or the Judges thereof.

Read third time.

Amendments concurred in.

Senate considered as in Committee of the Whole, and the bill, as amended, passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Langford, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—30.

NOES—None.

The title was then read, and the same approved as read.

RESOLUTIONS.

By Mr. Ryan :

Resolved, That the Chairman of the Committee on Finance of the Senate be and he is hereby authorized to have such printing done by the State Printer as may be necessary for said committee.

Adopted.

By Mr. Davis—Senate Concurrent Resolution No. 17:

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all means in their power to procure the exemption of steam plows from import duty for the term of two years from the date of such exemption.

Read first time, and referred to the Committee on Agriculture.

GENERAL FILE—RESUMED.

Senate Bill No. 34—An Act to amend sections eight hundred and seventy-two, eight hundred and seventy-five, and to repeal section eight hundred and seventy-four, of the Penal Code, relating to commitments of persons charged with crime.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—30.
NOES—None.

The title was then read and approved as read.

Senate Bill No. 38—An Act to amend sections one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven, of the Penal Code, relating to forfeiture of bail or money deposited in lieu of bail.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—28.
NOES—None.

Title was then read, and the same approved as read.

Senate Bill No. 93—An Act to amend section one hundred and thirty of the Code of Civil Procedure, relating to the rules of Courts.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—29.
NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 109—An Act to amend sections three hundred and sixty-seven, three hundred and seventy-two, and three hundred and seventy-three, of the Code of Civil Procedure, relating to parties to civil actions.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—28.
NOES—None.

Title was then read, and the same approved as read.

Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Nelson, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—25.

NOES—Messrs. Davis and Langford—2.

Title was then read, and the same approved as read.

Mr. Neumann, by consent, introduced the following bill out of order:

Senate Bill No. 235—An Act entitled an Act to amend section three thousand three hundred and eighty-two (3382), of the Political Code, relating to merchants' licenses.

Read first time, and referred to the Finance Committee.

Senate Bill No. 12—On motion of Mr. Davis, taken up out of order and indefinitely postponed.

Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three, of the Code of Civil Procedure, relating to pleadings in civil actions.

Read third time.

On motion of Mr. Hittell, above bill recommitted to the Judiciary Committee, with instructions to amend by inserting before the word "amend," in section three, the words "allow a party to."

REPORTS.

By Mr. Pardee:

MR. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 57—"An Act in relation to the currency of the United States"—would respectfully report that they have examined the same, and recommend its passage.

PARDEE, Chairman.

Also:

MR. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 70—An Act to confer certain powers upon the Board of Auditors of El Dorado County—would respectfully report that they have examined the same, and recommend its passage.

PARDEE, Chairman.

SENATE FILE—RESUMED.

Senate Bill No. 114—An Act to amend sections four hundred and eighty, four hundred and ninety-three, five hundred and twenty-five, five hundred and forty-eight, five hundred and fifty-four, five hundred and fifty-six, and five hundred and sixty-five, of the Code of Civil Procedure, relating to provisional remedies in civil actions.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—29.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 115—An Act to amend section five hundred and ninety-three of the Code of Civil Procedure, relating to entry of civil causes on Court calendars.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—27.
 NOES—None.

The title was then read, and the same approved as read.

RECESS.

At twelve o'clock and twenty-two minutes P. M., on motion of Mr. Satterwhite, the Senate took a recess until two o'clock P. M.

RE-ASSEMBLED.

The Senate re-assembled at two o'clock P. M.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

REPORTS OF STANDING COMMITTEES.

By Mr. Cheney:

SENATE CHAMBER, SACRAMENTO, January 30th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bills, viz.: No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, etc., of the Penal Code, and to add a new section thereto, to be known as section eight hundred and nine, to provide for prosecutions by information, and to adapt the provisions of said Code thereto.

No. 117—An Act to repeal section six hundred and sixty-three of the Code of Civil Procedure.

No. 124—An Act to amend sections seven hundred and fourteen and seven hundred and fifteen of the Code of Civil Procedure, relating to proceedings supplementary to execution.

No. 125—An Act to amend sections seven hundred and forty-two, seven hundred and fifty-five, seven hundred and ninety-four, eight hundred and two, eight hundred and four, eight hundred and sixteen, and eight hundred and twenty-six, of the Code of Civil Procedure, relating to actions in particular cases.

No. 133—An Act to amend an Act entitled an Act to provide for the extermination of squirrels in certain counties, approved March thirtieth, eighteen hundred and seventy-eight.

No. 116—An Act to amend sections six hundred and thirteen, six hundred and seventeen, and six hundred and eighteen, of the Code of Civil Procedure, relating to trial by jury in civil actions.

CHENEY, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, January 30th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was recommended for amendment Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three of the Code of Civil Procedure, relating to pleadings in civil actions—have had the same under consideration, and report the same back to the Senate, with the amendment ordered by the Senate, and recommend its passage as amended.

WENDELL, Acting Chairman.

Senate Bill No. 113, as above reported, taken up out of its order, and ordered reprinted with amendments.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January 30th, 1880. }

To the Senate of the State of California :

I have the honor to transmit to your honorable body the Report of the Directors of the State Prison in relation to the Folsom Branch State Prison. As but one copy of the report has been received by me, I respectfully ask that the Assembly be notified of its receipt.

GEORGE C. PERKINS, Governor.

GENERAL FILE—CONTINUED.

Senate Bill No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-two, eight hundred, eight hundred and one, eight hundred and two, eight hundred and six, eight hundred and eighty-eight, nine hundred and forty-nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, nine hundred and fifty-five, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and fifty-nine, nine hundred and sixty, nine hundred and sixty-one, nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, nine hundred and sixty-eight, nine hundred and sixty-nine, nine hundred and seventy, nine hundred and seventy-one, nine hundred and seventy-two, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and eighty-one, nine hundred and eighty-two, nine hundred and eighty-five, nine hundred and eighty-eight, nine hundred and eighty-nine, nine hundred and ninety, nine hundred and ninety-five, nine hundred and ninety-six, nine hundred and ninety-seven, nine hundred and ninety-eight, nine hundred and ninety-nine, one thousand and four, one thousand and five, one thousand and eight, one thousand and nine, one thousand and twelve, one thousand and sixteen, one thousand and seventeen, one thousand and eighteen, one thousand and nineteen, one thousand and twenty-one, one thousand and twenty-two, one thousand and twenty-three, one thousand and twenty-four, one thousand and twenty-five, one thousand and thirty-three, one thousand and forty-three, one thousand and forty-seven, one thousand and forty-eight, one thousand and fifty-two, one thousand and sixty-five, one thousand and seventy-four, one thousand and ninety-three, one thousand and ninety-five, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand one hundred and three, one thousand one hundred and four, one thousand one hundred and thirteen, one thousand one hundred and fourteen, one thousand one hundred and fifteen, one thousand one hundred and seventeen, one thousand one hundred and twenty-one, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, one thousand one hundred and thirty-one, one thousand one hundred and forty-one, one thousand one hundred and forty-eight, one thousand one hundred and fifty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and fifty-eight, one thousand one hundred and fifty-nine,

one thousand one hundred and sixty, one thousand one hundred and sixty-five, one thousand one hundred and seventy, one thousand one hundred and eighty-one, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand two hundred, one thousand two hundred and seven, one thousand two hundred and thirty-eight, one thousand two hundred and seventy-three, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-seven, one thousand two hundred and eighty-nine, one thousand three hundred and ten, one thousand three hundred and twenty-six, one thousand three hundred and thirty-five, one thousand three hundred and forty-six, one thousand three hundred and forty-nine, one thousand three hundred and fifty-four, one thousand three hundred and fifty-eight, one thousand three hundred and sixty-eight, one thousand three hundred and seventy, one thousand three hundred and seventy-three, one thousand three hundred and eighty-two, one thousand three hundred and eighty-three, one thousand three hundred and ninety-five, one thousand three hundred and ninety-six, one thousand four hundred and one, and one thousand four hundred and twenty-nine, of the Penal Code, and to add a new section thereto, to be known as section eight hundred and nine, to provide for prosecutions, and to adapt the provisions of said Code thereto.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Chase, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Pardee, Pool, Rowell, Satterwhite, T aylor, Wendell, West, and Zuck—26.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 116—An Act to amend sections six hundred and thirteen, six hundred and seventeen, and six hundred and eighteen, of the Code of Civil Procedure, relating to trials by jury in civil actions.

Read third time, and ordered back to the Committee on Engrossment for proper engrossment.

Senate Bill No. 117—An Act to repeal section six hundred and sixty-three of the Code of Civil Procedure.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Chase, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Pool, Rowell, T aylor, Wendell, West, and Zuck—23.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 124—An Act to amend sections seven hundred and fourteen and seven hundred and fifteen of the Code of Civil Procedure, relating to proceedings supplementary to execution.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Chase, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Langford, Pool, Rowell, Ryan, Satterwhite, T aylor, Wendell, West, and Zuck—24.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 125—An Act to amend sections seven hundred and

forty-two, seven hundred and fifty-five, seven hundred and ninety-four, eight hundred and two, eight hundred and four, eight hundred and sixteen, and eight hundred and twenty-six, of the Code of Civil Procedure, relating to actions in particular cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—25.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 133—An Act to amend an Act entitled an Act to provide for the extermination of squirrels in certain counties, approved March thirtieth, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—27.

NOES—None.

The title was then read, and the same approved as read.

On motion of Mr. Hittell, Assembly Bill No. 93 was taken up out of its order, and ordered at the head of the general file for to-morrow.

INTRODUCTION OF BILLS.

By Mr. Traylor: Senate Bill No. 236—An Act concerning the Board of State Harbor Commissioners.

Read first time, and referred to the Committee on Commerce and Navigation.

Mr. Johnson introduced the following bills by request:

Senate Bill No. 237—An Act to prevent the running of tailings upon the land of another.

Also: Senate Bill No. 238—An Act in relation to the parties to and place of trial in actions for injuries arising from tailings and debris from the mines.

Also: Senate Bill No. 239—An Act relative to parties in actions to recover damages for injuries from flow of tailings.

Each of the above bills read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

Also: Senate Bill No. 240—An Act to repeal an Act entitled an Act relating to advances, bona fide, made to agents intrusted with goods, and for the better protection of such advances, approved March thirtieth, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Judiciary.

Also: Senate Bill No. 241—To create and establish a Board of Public Works for the State of California.

Read first time, and referred to the Committee on Public Buildings.

By Mr. Traylor: Senate Bill No. 242—An Act to amend chapter one, title fifteen, of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Read first time, and referred to the Committee on Fish and Game.

By Mr. Ryan: Senate Bill No. 243—An Act to amend sections three thousand four hundred and ninety-five and three thousand four hundred and ninety-eight of the Political Code, in relation to

affidavits of applicants to purchase portions of sixteenth and thirty-sixth sections.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

REPORT.

Committee on Engrossment verbally reported back Senate Bill No. 116 as re-committed and re-engrossed, reporting the same correctly engrossed.

Senate Bill No. 116 now taken up.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Glascock, Goodman, Harlan, Hall, H. Hall, Harrison, Johnston, Kelly, Langford, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—28.
 NOES—None.

The title was then read, and the same approved as read.

RESOLUTION.

By Mr. Satterwhite—Senate Concurrent Resolution No. 18, authorizing the printing of additional copies of the report of the State Engineer.

Read and adopted.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Brown, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Saturday, January 31st, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Glascock, Goodman, Harlan, Hall, H. Hall, Harrison, Johnston, Kelly, Langford, Pardee, Pool, Rowell, Satterwhite, Traylor, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved as corrected.

PETITION.

By Mr. Baker—Petition of Laura J. Watkins to the Senate and Assembly in Legislature assembled, in the City of Sacramento, California:

I, Laura J. Watkins, a citizen of the United States, a resident of California, City of San José, County of Santa Clara, being a taxpayer in said city, county, and State, and believing that taxation without representation is tyranny, hereby respectfully petition your honorable bodies for the removal of all political disabilities, that she may exercise her right to vote, all State Constitutions and statute laws to the contrary notwithstanding.

SAN JOSÉ, January 28th, 1880.

LAURA J. WATKINS.

Read and referred to the Committee on Elections.

REPORTS OF STANDING COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, JANUARY 31st, 1880.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 5—entitled an Act to provide for the improvement of Normal School Square, in the City of San José—respectfully beg leave to say that they have considered the same, and report it back to the Senate with amendments. The committee unanimously recommend the passage of the bill as amended.

BAKER, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, JANUARY 31st, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 53—An Act to amend sections one thousand four hundred and seventy-five and one thousand five hundred and four of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the writ of habeas corpus—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 32—An Act to amend sections seven hundred and thirty-seven, seven hundred and forty-six, seven hundred and forty-nine, and seven hundred and fifty-three, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to impeachments—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 6—An Act to transfer the records, papers, and business of the Courts existing on the thirty-first day of December, eighteen hundred and seventy-nine, in this State, to the Courts now existing therein—and recommend its passage.

Also, Senate Bill No. 140—An Act to amend sections nine hundred and forty-three, nine hundred and forty-eight, and nine hundred and fifty-nine, of the Code of Civil Procedure, relating to appeals in civil actions—and recommend its passage.

Also, Assembly Bill No. 31—An Act to amend sections one thousand four hundred and eighteen and one thousand four hundred and nineteen of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to reprieves, commutations, and pardons—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 141—An Act to amend chapters two and three, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three, to take the place thereof in said Code, relating to appeals in civil actions—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 145—An Act to amend section one thousand of the Code of Civil Procedure, relating to inspection of writings—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 146—An Act to amend sections one thousand and four and one thousand and five of the Code of Civil Procedure, relating to motions and orders in civil actions—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 147—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure, relating to the time within which certain acts are to be done—and recommend its passage.

Also, Senate Bill No. 148—An Act to amend section one thousand and fifty-five of the Code of Civil Procedure, relating to actions against Sheriffs—and recommend its passage.

Also, Senate Bill No. 149—An Act to repeal section one thousand and fifty-six of the Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 150—An Act to amend section one thousand and fifty-eight of the Code of Civil Procedure, relating to civil actions wherein the State or an officer thereof, or a county, city, or town, is a party—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 151—An Act to amend section one thousand one hundred and eight of the Code of Civil Procedure, relating to writs of review, mandate, or prohibition—and recommend its passage.

Also, Senate Bill No. 130—An Act to repeal chapters four and five, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters four and five, relating to appeals in civil actions—and recommend its passage.

WENDELL, Acting Chairman.

By Mr. Dickinson:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Joint Resolution No. 2, relative to the protection of the commercial interests of the Pacific Coast, have considered the same, and report the same back to the Senate, and recommend that it be concurred in.

DICKINSON, Chairman.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, January 31st, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, having had under consideration the mileage of Senators who attended the Supreme Court on the test case on Senate Bill No. 83, beg leave to report that they are entitled to the following mileage:

NAME.	Miles.	Amount.
Dickinson	168	\$16 80
Davis	168	16 80
Enos	168	16 80
Satterwhite	168	16 80
Seale	168	16 80

We recommend the adoption of the following resolution:

Resolved, That the Controller of the State be authorized to draw his warrant upon the Contingent Fund of the Senate in favor of the parties named, and for the amounts stated in the above report.

All of which is respectfully submitted.

ZUCK, Chairman.

Resolution, as above reported, adopted.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, January 31st, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred the following: "*Resolved*, That the Committee on Contingent Expenses of the Senate be and it is hereby instructed to inquire as to whether there are any unnecessary employes or attachés connected with this body, and that it report on Tuesday next"—have had the same under consideration, and report the same back to the Senate, and recommend that the office of Clerk of Public Printing be abolished.

ZUCK, Chairman.

On motion of Mr. George, the above report was made the special order for Tuesday, February third, at ten o'clock and thirty minutes A. M.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, January 31st, 1880.

MR. PRESIDENT: The Committee on Chinese and Chinese Immigration, to whom was referred Senate Bill No. 6—An Act to prohibit the employment of Chinese by corporations, and to add a new section to the Penal Code—have had the same under consideration, and report the same back to the Senate recommending its passage.

Also, have had under consideration, Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California—and report it back recommending its passage.

JOHNSON, Chairman.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, January 31st, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred Senate Bill No. 103—An Act to amend sections two hundred and forty five, two hundred and forty eight, and two hundred and forty nine, of the Political Code, relating to Clerks of the Senate and Assembly—have had the same under consideration, report it back with amendments, and recommend its passage as amended.

ZUCK, Chairman.

Committee heretofore appointed to present Senate Bill No. 83 to Supreme Court, ordered discharged.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 30th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January thirtieth, eighteen hundred and eighty, concurred in Senate Concurrent Resolution No. 16—Relative to granting leave of absence to certain sub-committees on Mines and Mining to visit the State University and report on the management and condition of the College of Mines.

J. M. WRIGHT, Assistant Clerk.

GENERAL FILE.

Assembly Bill No. 93—An Act in relation to certain deputies and assistants of County Clerks.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the general file.

Senate Bill No. 67—An Act repealing section four hundred and twenty of the Penal Code, in reference to the inciting of riots, etc.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Assembly Bill No. 29—An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the general file.

Senate Bill No. 57—An Act in relation to the currency of the United States.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 70—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

Read second time, and, on motion of Mr. Chase, referred to Judiciary Committee.

Senate Bill No. 118—Passed on the file.

On motion of Mr. Wendell, the bills as reported back by the Judiciary Committee, were taken up out of their order, with the following action:

Assembly Bill No. 6—An Act to transfer the records, papers, and business of the Courts existing on the thirty-first day of December, eighteen hundred and seventy-nine, in this State, to the Courts now existing therein.

Read second time.

Senate considered as in Committee of the Whole.

Amendments concurred in, and bill ordered on the general file.

Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice and the various officers connected therewith.

RECESS.

During the reading of the bill, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Brown, Carlock, Chase, Cheney, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Pool, Satterwhite, Wendell, West, and Zuck.

No quorum present.

On motion of Mr. Johnson, a call of the Senate was had, with the following result:

PRESENT—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Pool, Rowell, Satterwhite, Wendell, West, and Zuck.

ABSENT—Messrs. Burt (excused), Conger, Davis (excused), Enos, Johnston, Kane, Lampson, Lutzford, Mandelkern (excused), Nelson, Nottingham (excused), Nye (excused), Pardee, Ryan (excused), Sears (excused), Traylor, and Watson (excused).

There now being a quorum present, further proceedings under the call were dispensed with.

Further reading of Senate Bill No. 118.

Mr. Satterwhite offered the following amendment: Amend section one hundred and three: Strike out all of section one hundred and three, and insert the following: "103. There shall be in each of the townships of the State one Justice Court for which one Justice of the Peace shall be elected by the qualified electors of the township, at the general State election next preceding the expiration of the term of office of his predecessor."

Adopted.

On motion of Mr. Johnson, section one hundred and three was amended so as to read as follows: "*Provided*, that the Cities of Sacramento and Oakland be each allowed three Justices of the Peace."

Adopted.

Mr. Wendell moved to amend section one hundred and three by adding the words, "*and further provided*, that all Justices now in office, duly elected, qualified, and acting, shall continue to act as such Justices until the expiration of their present terms."

Amendment adopted.

Mr. Baker offered the following amendment to first subdivision section two hundred and fifty-nine: "*Provided*, that he shall have power to hear and determine such motions only in the absence or inability to act of the Judge or Judges of the Superior Court of the county, or city and county."

Adopted.

Leave of absence was granted Messrs. Hudson and Traylor for one day.

REPORTS OF STANDING COMMITTEES.

By Mr. Cheney:

SENATE CHAMBER, SACRAMENTO, January 31st, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bills and Resolutions, viz.: Senate Bill No. 12—An Act to authorize the election of women to school offices.

Senate Bill No. 96—An Act to amend sections one and two of an Act entitled an Act giving a lien to loggers and laborers employed in logging camps, upon the logs cut and landed by the persons who employ them, approved March thirtieth, A. D. one thousand eight hundred and seventy-eight.

Senate Bill No. 143—An Act to repeal "An Act entitled an Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco," approved March twenty-seventh, eighteen hundred and sixty-seven.

Concurrent Resolution No. 10.

Senate Joint Resolution No. 3.

Senate Concurrent Resolution No. 11.

Also, Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three, of the Code of Civil Procedure, relating to pleadings in civil actions.

CHENEY, Chairman.

At two o'clock and ten minutes P. M., Mr. Wendell moved to adjourn.

Lost.

Further discussion of Senate Bill No. 118.

Mr. Hittell offered the following amendment to section two hundred and seventy: After the word "States," where it first occurs, insert "except upon satisfactory evidence of good moral character."

Adopted.

Also the following amendment to section two hundred and seventy-nine: By inserting after the words "United States" the words "or person resident of this State who has bona fide declared his intention to become a citizen in the manner required by law."

Adopted.

Also the following to the same section: By inserting after the words, "sister States," the words "or of a foreign country where the common law of England constitutes the basis of jurisprudence."

Adopted.

Bill read second time.

Senate considered as in Committee of the Whole, amendments adopted, and bill as amended ordered engrossed.

ADJOURNMENT.

At five o'clock and five minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 2d, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hall, Hittell, Johnson, Johnston, Kane, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read, and ordered corrected to show that the petition of Laura J. Watkins, introduced by Mr. Baker, was referred to the Committee on Elections.

PETITION.

By Mr. Baker—Petition of Mrs. R. Montgomery, Mrs. P. Lee, and Mrs. H. Knapp:

SAN JOSÉ, CALIFORNIA, January 28th, 1880.

To the Senate and Assembly in Legislature assembled, in the City of Sacramento, State of California:

We, Mrs. R. Montgomery, Mrs. Lee, and Mrs. Knapp, citizens of the United States, residents of the State of California, City of San José, County of Santa Clara, hereby respectfully petition your honorable bodies for the removal of some political disabilities, that they may exercise their right to vote, all State Constitutions and statute laws to the contrary notwithstanding.

MRS. R. MONTGOMERY,
MRS. P. LEE,
MRS. H. KNAPP.
484 Third Street, San José.

Read and referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 2d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 55—An Act entitled an Act fixing the compensation of members, officers, and employes of the Legislature—have had the same under consideration, and report the same back to the Senate, with a substitute, and recommend the adoption of the substitute.

NYE, Chairman.

Mr. Johnson offered the following minority report:

SENATE CHAMBER, SACRAMENTO, January 31st, 1880.

MR. PRESIDENT: The undersigned, a minority of your Committee on Judiciary, to which was referred Senate Bill No. 55—An Act fixing the compensation to members, officers, and employes of the Legislature—respectfully dissent from the action of the majority of such committee, in recommending the passage by the Senate of the substitute for said bill submitted by them.

It is our belief that the new bill, recommended by the majority of the committee, fixes the compensation of many of the officers and employes at too low an amount; and we further believe, that the provisions of the last section of said new bill, that it shall take effect immediately, is in the nature of a breach of faith with the officers and employes of the Legislature now in session.

GROVE L. JOHNSON.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 31st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January thirty-first, eighteen hundred and eighty, adopted Assembly Concurrent Resolution No. 12—Relative to the appointment of a joint committee to confer with I. S. Belcher, Thomas P. Stoney and A. C. Freeman, as to the work they have performed in revising the Codes.

Also, that on January twenty-ninth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 18—An Act to repeal section four hundred and twenty of the Penal Code.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, January 31st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January thirty-first, eighteen hundred and eighty, passed Senate Bill No. 77—An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, January 31st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January thirty-first, eighteen hundred and eighty, read, amended, and adopted as amended, Senate Concurrent Resolution No. 9—Relative to appropriation, by the General Government, for the dredging of Humboldt Bay.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 12, above reported, read first time, and, on motion of Mr. Satterwhite, referred to the Judiciary Committee, with instructions to report on Thursday next.

Assembly Bill No. 18, above reported, read first time, and ordered on the general file, immediately following Senate Bill No. 67.

Senate Concurrent Resolution No. 9, above reported, as amended by the Assembly, read, amendments concurred in, and resolution ordered engrossed.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Johnson: Senate Bill No. 244—An Act to amend section three thousand five hundred and sixty-six of the Political Code, in relation to the collection of delinquent charges and assessments in swamp or reclamation districts, made for reclamation purposes.

Also: Senate Bill No. 245—An Act to amend section three thousand four hundred and eighty-one of the Political Code.

By Mr. Johnston: Senate Bill No. 246—An Act to provide for the election of Trustees in swamp or reclamation land districts, in cases where there is no acting Board, and to provide for future elections or appointments of Trustees in such districts.

Also: Senate Bill No. 247—An Act granting relief to taxpayers whose lands have been sold to the State.

Each of the above bills read first time, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Hittell: Senate Bill No. 248—An Act to amend sections eight hundred and seventy-one and nine hundred of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Read first time, and referred to the Judiciary Committee.

GENERAL FILE.

Senate Bill No. 5—An Act to provide for the improvement of Normal School Square, in the City of San José.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Satterwhite moved to amend by striking out the words "twenty thousand" and inserting "ten thousand."

The ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Brown, Glascock, Gorman, Pool, Satterwhite, and Wendell—6.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Neumann, Nye, Pardee, Rowell, Traylor, and Zuck—21.

Lost.

Mr. Nye moved to amend section two, by adding after the word "grading," the word "drainage."

Carried.

The amendments adopted, and bill, as amended, ordered engrossed.

Assembly Bill No. 33—An Act to amend sections one thousand four hundred and seventy-five and one thousand five hundred and four of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the writ of habeas corpus.

Read second time.

Senate considered as in Committee of the Whole.

Amendments concurred in, and bill ordered on the general file.

Assembly Bill No. 32—An Act to amend sections seven hundred and thirty-seven, seven hundred and forty-six, seven hundred and forty-nine, and seven hundred and fifty-three, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to impeachments.

Read second time.

Senate considered as in Committee of the Whole.

Amendments concurred in, and bill ordered on the general file.

Senate Bill No. 140—An Act to amend sections nine hundred and forty-three, nine hundred and forty-eight, and nine hundred and fifty-nine, of the Code of Civil Procedure, relating to appeals in civil actions.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Assembly Bill No. 31—An Act to amend sections one thousand four hundred and eighteen and one thousand four hundred and nineteen of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to reprieves, commutations, and pardons.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Hittell offered the following amendment: Amend section one, by striking out the word "said" before "book" and inserting therein the words, "the Penal"; also, amend by striking out the word "section" before "one thousand four hundred and eighteen" and "one thousand four hundred and nineteen," in sections one and two.

Adopted.

Amendments concurred in, and bill ordered on the general file.

INTRODUCTION AND FIRST READING OF BILL.

By leave, Mr. Carlock introduced the following:

Senate Bill No. 249—An Act to amend section three thousand three hundred and sixty of the Political Code.

Read first time, and referred to the Committee on Judiciary.

GENERAL FILE—RESUMED.

Senate Bill No. 141—An Act to amend chapters two and three, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute

new chapters two and three, to take the place thereof in said Code, relating to appeals in civil actions.

RECESS.

During the reading of the above bill, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

REPORT.

By Mr. Chase:

SENATE CHAMBER, SACRAMENTO, February 2d, 1880.

MR. PRESIDENT: The Committee of the Senate on Enrolled Bills have instructed me to report Senate Bill No. 77 as correctly enrolled, officially signed, and this day presented to the Private Secretary of the Governor.

CHASE, Acting Chairman.

GENERAL FILE—RESUMED.

Reading of Senate Bill No. 141 continued.

On motion of Mr. Davis, the bill was recommitted to the Judiciary Committee, with instructions to amend and report to-morrow morning, and that the bill be placed at the head of the general file.

Senate Bill No. 145—An Act to amend section one thousand of the Code of Civil Procedure, relating to inspection of writings.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 146—An Act to amend sections one thousand and four and one thousand and five of the Code of Civil Procedure, relating to motions and orders in civil actions.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 147—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure, relating to the time within which certain acts are to be done.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 148—An Act to amend section one thousand and fifty-five of the Code of Civil Procedure, relating to actions against Sheriffs.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 143—An Act to repeal section one thousand and five-six of the Code of Civil Procedure.

Read second time.

Report considered as in Committee of the Whole, and bill ordered
Enrolled.

Senate Bill No. 15.—An Act to amend section one thousand and eighty of the Code of Civil Procedure relating to civil actions wherein the State or an officer thereof, or a county, city, or town, is a party.

Read second time.

Report considered as in Committee of the Whole.

Amendment adopted, and bill, as amended, ordered engrossed.

MESSAGE FROM THE EDITOR.

The following message was received from the Governor:

Submitted for publication 20 January 1997
 Accepted for publication 20 February 1997

.....

¹ I have discussed with Campbell (note that I have approved Senate Bill No. 77-34) and nothing is contemplated by the State Printing Office for the time period ending June 30, 1934, except the limited one mentioned.

GEO. C. PERKINS, Governor.

GENERAL FILE—CONTINUED

Senate Bill No. 151—An Act to amend section one thousand one hundred and eight of the Code of Civil Procedure, relating to writs of review, mandate, or prohibition.

review, manage,
 find some time

Senate considered as in Committee of the Whole, and bill ordered

Senate Bill No. 132—An Act to repeal chapters four and five of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters four and five, relating to appeals in civil actions.

It's a second time.

* Senate considered as in Committee of the Whole, and bill ordered
clerk read.

Assembly Joint Resolution No. 2—Joint Resolution, relative to the protection of the commercial interests of the Pacific Coast.

Read second time.

Senate considered as in Committee of the Whole, and resolution ordered on the general file.

On motion of Mr. Davis, Assembly Bill No. 8—An Act to transfer the records, papers, and business of the Courts existing on the thirty-first day of December, eighteen hundred and seventy-nine, in this State, to the Courts now existing therein—was taken up out of its order.

Read third time, and passed by the following vote:

[illegible]

The title was then read, and the same approved as read.

SPECIAL ORDER—TWO O'CLOCK P. M.

Consideration of resolution relative to the appointment of a Chaplain for the Senate, and proposed amendment.

The hour having arrived, the special order was taken up, and Mr. Satterwhite moved to lay the same on the table.

The ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Brown, Chase, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hittell, Kane, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, and Satterwhite—19.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, George, Mill, Johnson, Johnston, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—16.

Carried.

Senate Bill No. 6—An Act to prohibit the employment of Chinese by corporations, and to add a new section to the Penal Code.

Read second time, and, on motion of Mr. Hittell, recommitted to the Judiciary Committee, with instructions to report the same back Thursday morning.

Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

Read second time, and, on motion of Mr. Dickinson, recommitted to the Judiciary Committee, with instructions to report the same back Thursday morning.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, February 2d, 1880. }

To the Senate of the State of California:

I have the honor to transmit to your honorable body part second, chapter second, of the report of the State Engineer. As I have received but one copy, I respectfully request that the Assembly be informed thereof.

GEORGE C. PERKINS, Governor.

Also, the report of the State Engineer:

OFFICE OF THE STATE ENGINEER, SACRAMENTO, February 2d, 1880.

Hon. John Mansfield, President of the Senate:

SIR: Herewith I submit chapter two of part second of my official report, being a "Report upon drainage in the San Joaquin Valley, and the improvement of the navigation of the San San Joaquin River."

As this paper is the concluding portion of that already submitted, relating to the subject of drainage, permit me to suggest that it take the same course as that which has gone before it.

There is but one copy of this chapter, therefore I hope that the Senate will inform the Assembly of its receipt.

Very respectfully, your obedient servant,

WM. HAM. HALL, State Engineer.

Mr. Davis moved that the Secretary inform the Assembly as requested by the State Engineer.

Carried.

GENERAL FILE—RESUMED.

Senate Bill No. 103—An Act to amend sections two hundred and

forty-five, two hundred and forty-eight, and two hundred and forty-nine, of the Political Code, relating to Clerks of the Senate and Assembly.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Hittell moved to amend by striking out the word "section" before "two hundred and forty-five, two hundred and forty-eight, and two hundred and forty-nine," in sections one, two, and three.

Amendment adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three, of the Code of Civil Procedure, relating to pleadings in civil actions.

On motion of Mr. Hittell, the bill was recommitted to the Engrossing Committee for correction.

Assembly Bill No. 93—An Act in relation to certain deputies and assistants of County Clerks.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Taylor, Wendell, West, and Zuck—33.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 29—An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas.

Read third time.

Mr. West moved to recommit the bill with instructions to amend.

Lost.

Mr. Pool offered the following memorial :

To the Honorable the Legislature of the State of California :

The undersigned committee, appointed on the sixth of December, eighteen hundred and seventy-nine, by the Teachers' Association of the County of Stanislaus, for the purpose of offering a remonstrance, would respectfully represent that an effort is being made by persons who pretend to act in the interest of education, to induce your honorable body to revoke by statute all existing teachers' certificates and diplomas. In view of this circumstance, we beg of you, before considering seriously their proposition, to bear in mind that the persons who advocate such a measure do not truly represent the teachers of the State of California, since at least nine-tenths of the teachers of the State, and all of the teachers of the County of Stanislaus, regard it as unjust, unconstitutional, and destructive of the best interests of the State. Unjust, because it proposes to rob the teacher of that which is rightfully his own—of that which years of preparatory labor and necessary expense incurred, fully entitle him to enjoy. Unconstitutional, because it proposes to nullify the terms of a fair stipulation by the act of one of the parties against the remonstrance of the other; to declare valueless that which has been paid for at a high rate, by the efforts made and the money spent in reaching a high standard of qualification, and to destroy what was given in exchange for a fee and in consideration of certain qualifications (as in the case of the life diploma), in direct violation of the Constitution of the United States, article first, section ten, which declares that no State shall pass a law impairing the obligation of contracts.

It is destructive of the best interests of the State, because such an utter want of public faith as the proposition would imply could not fail, sooner or later, to bring calamity on a people.

The immediate effect of a law revoking all teachers' certificates and diplomas, would be to drive out of the profession of teaching many of its most competent members, not from fear of the result of a reexamination, but from an unwillingness to submit to the insult offered. Many would be deterred from entering the profession by the thought that the words "valid for four years," in their certificates, might, hereafter, be construed to mean "valid for four days," and by their reluctance to become the perpetual victims of a suspicion, fatal alike to professional pride and to the highest efficiency in the school-room.

Those who insist on the revocation of all teachers' certificates, do so on the grounds that a small percentage of the teachers of the State have obtained their certificates fraudulently.

They could, with as much show of justice, claim that the certificates of election of all the members of the Legislature should be declared null and void because of fraudulent voting in several precincts of the State.

While we, as much as any one, desire that the teachers who have obtained their certificates by means of fraud should be brought to the bar of justice, yet we fail to see the propriety or the wisdom of the policy which would condemn ninety-nine guiltless men for the sake of reaching the hundredth one, who is presumed to be guilty. We hope, therefore, that the contemplated "raid" on one class of your fellow-citizens will not meet with general favor in your honorable body.

VITAL E. BANGS,
JOHN R. KELSO,
WM. H. ROBINSON,
Committee.

President pro tem. Baker in the chair.

Whereupon the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck—33.

NOES—Messrs. Kane, Langford, Moreland, and West—4.

The title was then read, and the same approved as read.

Senate Concurrent Resolution No. 11—Relative to employment of prison labor.

On motion of Mr. Neumann, the resolution was referred to the Committee on Federal Relations, with instructions to amend.

Senate Joint Resolution No. 3—Relative to prohibition of the importation of distilled liquors and of distilleries, except for mechanical and medicinal purposes.

Read third time.

Mr. Neumann moved to lay the resolution on the table.

The ayes and noes were demanded, with the following result:

AYES—Messrs. Baker, Brown, Dickinson, Glasecock, Harlan, Hittell, Kelly, Lampson, Langford, Neumann, Pardee, Pool, Ryan, Sears, Traylor, and Wendell—16.

NOES—Messrs. Burt, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Moreland, Nye, Rowell, Watson, West, and Zuck—19.

Lost.

The roll was called on the passage of the resolution, with the following result:

AYES—Messrs. Burt, Chase, Cheney, Conger, Enos, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Nye, Pardee, Rowell, Watson, West, and Zuck—19.

NOES—Messrs. Anderson, Baker, Brown, Dickinson, Glasecock, Hittell, Lampson, Langford, Moreland, Neumann, Pool, Ryan, Satterwhite, Sears, Traylor, and Wendell—16.

The resolution not having received the constitutional majority required, the Chair announced the resolution lost.

Mr. Cheney appealed from the decision of the Chair.

Upon the question, "Will the Senate sustain the decision of the Chair?" the Chair was sustained by the Senate.

Senate Bill No. 143—An Act to repeal an Act entitled "An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco," approved March twenty-seventh, eighteen hundred and seventy-six.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Wendell, West, and Zuck—32.

NOES—Messrs. Johnson, Kane, and Moreland—3.

The title was then read, and the same approved as read.

Senate Bill No. 96—An Act to amend sections one and two of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March thirtieth, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Traylor, Wendell, West, and Zuck—33.

NOES—None.

The title was then read, and the same approved as read.

REPORT.

By Mr. Cheney :

SENATE CHAMBER, SACRAMENTO, February 2d, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bills, viz.: Senate Bill No. 57—An Act in relation to the currency of the United States.

Senate Bill No. 67—An Act repealing section four hundred and twenty of the Penal Code, in reference to the inciting of riots, etc.

CHENEY, Chairman.

ADJOURNMENT.

At five o'clock and five minutes, P. M., on motion of Mr. Zuck, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Tuesday, February 3d, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 3d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was recommitted Senate Bill No. 94—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, relating to ministerial offices of the Supreme Court—have had the

same under consideration, and report the same back, with the amendment, according to the instructions of the Senate, and recommend its passage as amended.

Also, Senate Bill No. 141, recommitted with special instructions—An Act to amend chapters two and three, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three to take the place thereof in said Code, relating to appeals in civil actions—report the same back, and recommend its passage as amended according to instructions.

NYE, Chairman.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, February 2d, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Concurrent Resolution No. 17, have had the same under consideration, and report the same back to the Senate, and recommend its passage with the following amendment: Amend by striking out, in line seven, the word "two," and inserting in lieu the word "five."

JOHNSTON, Chairman.

INTRODUCTION OF BILLS.

By Mr. Enos: Senate Bill No. 250—An Act to amend sections three hundred and seven and three hundred and twelve of the Civil Code of the State of California, concerning corporations.

Read first time, and referred to the Committee on Corporations.

By Mr. West: Senate Bill No. 251—An Act to provide for funding the indebtedness of counties having more than seven thousand inhabitants.

Read first time, and referred to the Committee on County and Township Governments.

By Mr. Hittell: Senate Bill No. 252—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses.

Read first time, and referred to the Judiciary Committee.

By Mr. Langford: Senate Bill No. 253—An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide for a bounty for the same," approved March thirtieth, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Judiciary.

By Mr. Neumann: Senate Bill No. 254—An Act granting relief to taxpayers whose lands have been sold to the State.

Read first time, and referred to the Committee on Finance.

By Mr. Johnston: Senate Bill No. 255—An Act to enable the swamp land or reclamation districts of this State to fund indebtedness, and provide for the payment of the indebtedness so funded.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

SPECIAL ORDER AT TEN O'CLOCK AND THIRTY MINUTES A. M.

Consideration of report of Committee on Contingent Expenses, relative to certain clerks.

Mr. Hittell offered the following as a substitute for the report and recommendation:

Resolved, That the Clerk to the Committee on Public Printing be and he is hereby required to act also as Clerk to the Committee on Engrossed Bills without further compensation.

The ayes and noes were demanded by Messrs. Burt, Zuck, and Davis, upon the substitute, with the following result:

AYES—Messrs. Anderson, Brown, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, and West—25.

NOES—Messrs. Baker, Burt, Davis, Hill, Moreland, Nye, Rowell, Sears, Wendell, and Zuck—10.

Substitute adopted.

On motion of Mr. Johnston, the per diem was fixed at five dollars, payable out of the appropriation for contingent expenses of the Senate.

President pro tem. Baker in the chair.

SECOND READING AND ENGROSSMENT OF BILLS.

Senate Bill No. 55—An Act fixing the compensation of members, officers, and employes of the Legislature.

A substitute, as reported to the Senate by the Judiciary Committee, was read.

SPECIAL ORDER AT ELEVEN O'CLOCK A. M.

The hour having arrived for the consideration of majority and minority reports of the Committee on Elections, in contest of T. J. Pinder versus W. W. Traylor, the same was taken up.

The majority and minority reports of the Committee on Elections were read, and discussion of the same ensued.

Mr. Johnson moved that the matter under consideration be continued, and made the special order for one o'clock and thirty minutes P. M.

Carried.

RECESS.

The hour of recess having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

FURTHER CONSIDERATION OF SPECIAL ORDER.

Mr. Satterwhite offered the following as a substitute for the minority report heretofore submitted by him:

Resolved, That it is the judgment of this Senate that the statement of grounds of contest, and the notice of contest in the case of Pinder vs. Traylor, are sufficient under the statute, and that the Senate should examine the testimony already taken in the case, and that the ballots of the Ninth Senatorial District should be counted, if they have been securely kept and have not been changed.

The substitute was declared out of order by the Chair.

Mr. Neumann submitted the following resolution as a part of the majority report heretofore submitted by him:

Resolved, That W. W. Traylor, the sitting member for the Ninth Senatorial District, is entitled to his seat in this Senate.

Upon the question, "Will the Senate adopt the minority report of the Committee on Elections?" the ayes and noes were demanded by Messrs. Johnson, Enos, and Sears; whereupon the Senate refused to adopt the report by the following vote:

AYES—MESSRS. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Nelson, Pool, Ryan, Satterwhite, and West—15.

NOES—MESSRS. Baker, Burt, Brown, Carlock, Cheney, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, and Zuck—21.

The question now recurred upon the resolution submitted by Mr. Neumann, and upon the adoption of the majority report of said committee.

The ayes and noes were demanded by Messrs. Sears, Enos, and Neumann, with the following result:

AYES—MESSRS. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Watson, Wendell, West, and Zuck—24.

NOES—MESSRS. Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Nelson, Pool, Ryan, and Satterwhite—12.

Resolution and report adopted.

ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 4th, 1880. }

The Senate met pursuant to adjournment.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, and ordered corrected to show that in the matter of the contested election of Pinder vs. Traylor, Mr. Moreland was paired with Mr. Davis upon any and all votes taken.

REPORTS OF STANDING COMMITTEES.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, February 4th, 1880.

MR. PRESIDENT: Your Committee on Joint Rules report the following joint rules for the government of the Senate, and recommend their adoption.

SEARS, Chairman.

The rules were now taken up as reported, read separately, and adopted.

JOINT RULES OF THE SENATE AND ASSEMBLY.

1.

Committee of Conference.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report, as early as convenient, the result of their conference to their respective Houses for their action. A Committee of Free Conference shall have the power to report any amendments or changes in the bill referred to said committee.

2.

Messages must be announced by Doorkeeper.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3.

Secretary, Clerk, etc., to carry messages.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

4.

Notices to be on paper under proper signature.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

5.

Enrolled bills to receive signature of proper officers.

After a bill shall have passed both Houses, it shall be duly enrolled according to law, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

6.

Enrolling Committee to compare.

When bills are enrolled, they shall be examined by the Enrolling Committee of the House in which they originated, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

7.

President and Speaker to sign bills.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

8.

Enrolling Committee to present bill to Governor.

After a bill shall have thus been signed in each House, it shall be presented, by the Enrolling Committee of the House in which it originated, to the Governor of the State for his approval (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the time of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

9.

Orders, resolutions, and votes to be approved as are bills.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

10.

Joint addresses to Governor.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

11.

Bill or resolution of one House, rejected in the other, requires notice.

When a bill or resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

12.

Rejected bills require five days' notice and two-thirds vote for re-introduction.

When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days and leave of two-thirds of that House in which it shall be renewed.

13.

Each House to transmit papers.

Each House shall transmit to the other papers on which any bill or resolution shall be founded.

14.

Disagreement, adhered to, defeats the bill.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

15.

No appropriation except by bill.

No appropriations of money, for any purpose whatever, shall be made except by bill.

16.

Except by each House, printing to be done by concurrent resolution.

Each House may order the printing of bills introduced and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

17.

Joint standing committee of three from each House on printing.

There shall be a joint standing committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

18.

Sale of liquors prohibited in buildings under control of this Legislature.

No spirituous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

19.

Unanimous consent for extra pay.

No extra pay nor increase in the pay of any officer or attaché of the Senate or Assembly shall be made.

20.

All concurrent and joint resolutions of a Federal nature treated as bills.

Concurrent resolutions are those which refer to the business between the two Houses, and only require to be treated as ordinary resolutions. Joint resolutions are those which relate to or contain communications to the Federal Government, and shall be treated in all respects as bills.

Amendments to amended bills must be attached.

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, February 4th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Committee on Contingent Expenses of the Senate be and it is hereby instructed to inquire as to whether there are now any unnecessary employes or attachés connected with this body, and that it report on Tuesday next.

Have had the same under consideration, and report the same back to the Senate, and a majority recommend that the office of Enrolling Clerk be declared vacant, and recommend the passage of the following:

Resolved, That the office of Enrolling Clerk be declared vacant from and after this date.

ZUCK, Chairman.

Resolution above reported adopted, and the office declared vacant as recommended.

Also:

SENATE CHAMBER, SACRAMENTO, February —, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Committee on Contingent Expenses of the Senate be and it hereby is instructed to inquire as to whether there are any unnecessary employes or attachés connected with this body, and that it report on Tuesday next.

Have had the same under consideration, and report the same back to the Senate, and recommend that the office of Outside Page of the Senate and Sergeant-at-Arms of the Judiciary Committee be abolished.

ZUCK, Chairman.

On motion of Mr. Johnson, the above report was laid over until Monday, February ninth, eighteen hundred and eighty.

By Mr. Sears:

MR. PRESIDENT: Your Committee on Rules, to whom was referred Assembly Bill No. 34, have had the same under consideration, and report the same back, and recommend its passage.

SEARS, Chairman.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 3d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February third, eighteen hundred and eighty, concurred in Senate Concurrent Resolution No. 18, authorizing the printing of additional copies of the report of the State Engineer.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 3d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February third, eighteen hundred and eighty, amended and passed Assembly Bill No. 56, entitled an Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court, and to make an appropriation for their salaries—and asks the concurrence of the Senate in the amendments.

J. M. WRIGHT, Assistant Clerk.

Kelly, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—33.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 31—An Act to amend sections one thousand four hundred and eighteen and one thousand four hundred and nineteen of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to reprieves, commutations, and pardons.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—35.

NOES—None.

The title was then read, and the same approved as read.

Assembly Joint Resolution No. 2—Joint Resolution, relative to the protection of the commercial interests of the Pacific Coast.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—32.

NOES—Messrs. Glascock and Rowell—2.

The title was then read, and the same approved as read.

Senate Bill No. 67—An Act repealing section four hundred and twenty of the Penal Code, in reference to the inciting of riots, etc.

On motion of Mr. Johnson, it was ordered on the general file in connection with Assembly Bill No. 18.

Senate Bill No. 57—An Act in relation to the currency of the United States.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Dickinson, Enos, George, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, and West—29.

NOES—Messrs. Harlan, Hittell, Nye, and Sears—4.

The title was then read, and the same approved as read.

By leave, Mr. Ryan introduced the following bill:

Senate Bill No. 260—An Act to amend sections two thousand six hundred and eighteen and two thousand six hundred and ninety-eight of the Political Code, relative to highways.

Read first time, and referred to the Committee on Roads and Highways.

RECESS.

At twelve o'clock and four minutes P. M., on motion of Mr. West, the Senate took a recess until one o'clock and thirty minutes P. M.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

SPECIAL ORDER AT ONE O'CLOCK AND THIRTY MINUTES P. M.

Senate Bill No. 63—An Act to provide for the speedy completion of the State Prison at Folsom.

On motion of Mr. Sears, the same was made the special order for February eleventh, at one o'clock and thirty minutes P. M.

ADJOURNMENT.

At one o'clock and thirty-four minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 5th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITIONS.

Mr. Nye introduced the following:

To the Senate and Assembly of the State of California:

This memorial respectfully sheweth that there are several anti-Chinese bills now before your honorable body which we think should not become law: and we hereby earnestly *ask you to not pass them.* That you may give due consideration to the subject before you come to a vote on any of the proposed bills, we respectfully ask your attention to the following truths and facts:

Nations and States being moral persons and accountable, California may not, through its Legislature, violate any principle of justice or moral law. It is never wise or safe to do wrong: and there is a power higher than State Legislatures. Moreover, one of the principal ends of government is to secure justice between man and man, and see that all persons within its jurisdiction, wherever born, shall enjoy their natural rights.

Every man, irrespective of color, nationality, or race, has a natural or God-given right to go to any country he may choose, and to live in any country he may prefer. The right to make a

home, either temporary or permanent, in any part of the world, is derived not from the body politic but from God. The right to live in any State, and make an honest living therein, belongs to every man, whether of American, European, or Asiatic birth. That right can be forfeited only by crime; and to disregard or violate this principle is both unwise and unsafe.

By the common consent of all Christian and civilized nations this right is conceded to all men as men. California cannot afford to be less just or less civilized than other States and nations. Every man, irrespective of race, has a natural right to labor and procure his daily bread wherever he can obtain lawful employment; and every man has a right to employ such laborers as he may prefer. Incorporations, being civil individuals, have the same right.

All class legislation is unjust, as well as unwise. If any people forfeit their rights they may be deprived of them; but otherwise, no right may be taken from any man, however poor, or defenseless, or despised.

If Chinese immigration is the great evil that many think it is, let it be met and remedied by just and humane measures, not by cruel and wicked legislation.

From the above principles of right it follows:

1. To pass a law to prevent others from employing Chinese laborers would be unjust to the employer and unmerciful to the employes.

2. To pass a law to compel Chinamen to leave any place simply because some do not wish their presence, would be both injustice and shame. Heathens or barbarians might do such things, but let not a civilized and Christian people be guilty of such a base act.

3. To give power to any municipality to forcibly remove any peaceable dweller without its limits would be the infliction of a wrong as cruel as unjust.

4. A Legislature that would, in any of these ways, do such acts of injustice against the poor who are among us trying to procure their daily bread, would bring upon the State the righteous indignation of all Christian and humane people, as well as the condemnation of other nations. Besides, the State that adopts the policy that might makes right, especially when the industrious poor are the victims, is as mean as it is wicked. Nor does the fact that in the rivalry of labor one class may be more successful than another justify proscriptive legislation against the more successful class. The State cannot rightfully favor one class of laborers by doing injustice to another. Therefore, to remove Chinese laborers, or to prevent them from coming among us to find labor, so long as they have done no wrong to others, so as to make openings for laborers of other classes, would be an act which would incur the condemnation of all right-hearted men.

5. Even the Hebrews, in olden times, were required by the divine Lawgiver to have the same law for the stranger or foreigner as for themselves. This is the command of Jehovah: "Ye shall have one manner of law, as well for the stranger as for one of your own country."

6. California, as a State, as well as every individual, is bound to obey the law of the Golden Rule. We should not do to the Chinese here what we would not be willing for them to do to us if we were in China and wished to live and labor there. It does not follow from this that all of them should be permitted to exercise the elective franchise, for very few of them are fit to exercise that privilege, as, indeed, very few foreigners of other tongues than the English are, at first. But this fact does not justify us in declaring all of them forever ineligible to citizenship.

7. Moreover, the friends of religion, and of Christian missions, have a right to complain that the anti-Chinese bills now before the Legislature, if they should become law, would greatly prejudice the minds of the pagan Chinese against our Christian religion. Heathen, though they are, they can easily see that injustice would be done to them, and they would lay the acts of injustice to the charge of Christians. We, your memorialists, therefore, do earnestly entreat you, Legislators, to not sin against Him who said: "Go, teach all nations." He is our Lawgiver, and he is the Lord of nations. Let us not incur his divine displeasure. "Kiss the Son, lest he be angry, and ye perish from the way, when his wrath is kindled but a little."

Finally: We, your memorialists, respectfully ask that you do not shield yourselves in any unrighteous legislation behind the fact that a large majority of the voters have said they are opposed to Chinese immigration—though many thousands did not vote at all on the question. We can solve that problem in some better way than by enacting injustice and iniquity. At all events, we cannot afford to act unrighteously and inhumanely. Righteousness exalteth a nation—sin is a reproach to any people.

GRANVILLE S. ABBOTT,

Pastor of First Baptist Church, Oakland,

JOHN K. McLEAN,

Pastor First Congregational Church, Oakland,

THOMAS GUARD,

Pastor First Methodist Episcopal Church,
Oakland,

IRA M. CONDIT,

Pastor First Chinese Presbyterian Church,
Oakland,

SAMUEL P. SPRECHER,

Pastor First Presbyterian Church, Oakland,

SEXTUS SHEARER,

J. H. WYTHE, M. D.

M. DORR,

FRANKLIN RHODA,

W. A. DONALDSON,

LEVI STEVENS,

SAMUEL BAKER,

MRS. A. E. WHITE,

C. MARTIN,

MRS. M. L. STEWART,

MISS JENNIE STEWART,

MRS. N. J. THOMPSON,

MRS. J. R. BRADWAY,

MRS. H. C. BAILEY,

J. R. BRADWAY,

JOHN RICE,

J. T. WILLIS,

Pastor Second Congregational Church, Oakland.

E. H. HYDES,

C. S. LANE,

JOHN WINSTON,

S. E. PEARCE,

M. D. HYDE,

F. K. BUTLER,

GEORGE C. ALGER,

D. C. TAYLOR,

C. L. STURGES,

E. CLOW,

MRS. J. R. BRADWAY,

MRS. DIBBLE,

J. Z. DUDLEY,

H. GARTHWAITE,

MRS. B. S. McLAFFERTY,

OLON EVANS,

CHARLES BAKER,

M. E. DEARBORN,

O. S. BARBER,

E. G. SWAINE,

J. P. COGSWELL,

MRS. O. S. BARBER,

MRS. G. S. ABBOTT,

G. E. McLAFFERTY,

M. E. HOYT,

MARY P. LYON,

WM. H. DEAN.

Pastor Presbyterian Church, Brooklyn.

NORMAN RICE,

T. E. RICE,

E. L. WILSON,

E. B. MEAD,

ALINES VAN BLARCOM,

M. F. BROWNE,

J. E. E. STOCKBRIDGE,

LUE DUNCAN,

MARTHA L. NEWCOMB,

JANE B. GELFET,

MATTIE C. GALL,

MARY A. GALL,

N. B. CARPENTER,

MARY C. NOYES,

E. M. NOYES,

H. G. NOYES,

M. H. HAVEN,

M. A. JOHNSTON,

DAVID MORROW,

F. RHODA,

A. RHODA,

F. BEBEE,

B. NICKERSON,

D. H. ALLEN,

MRS. F. L. BROWN,

R. R. JOHNSTON,

GEORGE CLINTON,

R. E. JOHNSTON,

J. SINGLETON,

S. MORROW.

Read, and referred to the Committee on Chinese and Chinese Immigration.

By Mr. Glascock :

OLIMPO, COLUSA COUNTY.

Honorables Dr. Mathews and B. B. Glascock :

GENTLEMEN: We solicit your consideration of these points wherein we believe our school law could be remedied.

TEACHERS' INSTITUTES.

SECTION 1. That Teachers' Institutes should be done away with, and teachers be required to hold monthly meetings at central points, one Saturday in each month, to discuss the welfare of the schools, and the teachers to attend at their own expense.

COUNTY BOARDS OF EXAMINATION.

SEC. 2. We favor section seven, article nine, of our Constitution, being preserved in its full force, the Boards of Supervisors being made a part of our County School Board.

STATE BOARD OF EDUCATION.

SEC. 3. We favor a State Board of Education, to grant certificates and diplomas to such as deserve the highest honors of the profession, as we believe that this is strictly in harmony with the Constitution.

SCHOOL FUND.

SEC. 4. Each school district having from fifteen to fifty census children shall be allowed five hundred dollars annually. A school of less than fifteen and over nine census scholars shall receive three hundred dollars per annum. All surplus school money shall be divided among all the districts pro rata.

EXTRA SCHOOL FUNDS.

SEC. 5. Districts requiring more money than this law provides may obtain the same by the Trustees reporting to the County Assessor, before the assessment roll of the county is made out, the amount of extra money said district needs. The County Assessor shall add this amount to the county assessment roll of said district, and it shall be collected with other taxes and placed in the treasury to the credit of the district from which it was raised; but the amount raised in this way can not exceed ten per cent. of the annual school funds of said district, unless the report of the School Trustees be accompanied with a majority vote of the electors of said district and approved of by the Board of Supervisors.

NEGLECT TO HAVE SCHOOL.

SEC. 6. When School Boards, or citizens, refuse or neglect to run a school six months, it shall

be the duty of the County Board to provide a school in said district, and for said purpose they shall have power to levy as much extra school tax as they need for said purpose.

COMPULSORY EDUCATION.

SEC. 7. When parents or guardians neglect or refuse to send children of proper age and ability to school, the teacher shall report the names of such parents or guardians to the Supervisors, who shall fine such parents or guardians such amount as shall compel them to send their children to school, unless such can be shown as will satisfy the Board of Supervisors.

SCHOOL ELECTIONS.

SEC. 8. School Trustees shall be elected at the same time that other county and district officers are elected, and hold office for four years.

P. S.—Should the above meet with opposition, better have school elections the last Saturday in March than in the throng of harvest.

BOND OF DISTRICT CLERK.

SEC. 9. District Clerks shall give bonds to be approved of by the Supervisors, and warrants issued by the District Clerk, and signed by a majority of the District Board, shall be payable directly from the County Treasurer without any warrants from the County Superintendent.

SCHOOL SITES LOCATED.

SEC. 10. School houses shall be built in the most convenient place for all children attending. Natural boundaries shall be taken into consideration in forming a district. School district lines, and school house sites, after being voted on by the people, must meet the approval of the County Supervisors before they are established.

SCHOOL HOUSE SITES OBTAINED.

SEC. 11. The party or parties owning the land at the place where the citizens desire the site, shall be obliged to deed to the district the amount of land desired for as long time as it is used for school purposes, provided the district pays the value of the deeded value of the land deeded, to be decided by five uninterested parties.

PUBLIC ROADS TO SCHOOL HOUSES.

SEC. 12. The County Supervisors shall see that public roads are opened to, or near, all public school houses, and as far as possible have all public school houses located near cross roads.

QUALIFICATIONS OF COUNTY SUPERINTENDENTS.

SEC. 13. All parties holding the office of County Superintendent of Schools must be graduates of State Normal Schools, and be practical teachers of at least five years' experience.

COUNTY SUPERINTENDENT OF SCHOOLS.

SEC. 14. The Superintendent shall apportion the school money to the various districts; he shall preside at the examination of teachers; visit all the schools at least twice each year; carefully examine the scholars in all their studies; note the standing of the scholars in the school register; compare the progress of each school with the other schools in the county by reference to his general register which he shall carry along; he shall thus spend a whole day in each school, examining the scholars and showing them how to overcome the difficulties by which they are beset.

SUPERINTENDENT'S NEGLECT—TWENTY DOLLARS.

SEC. 15. And for each school where it is certified that Superintendent has not complied with all the requirements of the section fourteen, the Board of Supervisors are authorized to deduct twenty dollars out of said Superintendent's salary.

AMENDMENT TO OUR STATE CONSTITUTION.

SEC. 16. To insure the public better services than they are receiving from the County Superintendent of Schools, we ask that the Constitution of this State be so amended that any county believing that they can do without a County Superintendent of Schools, shall have the right to dispense with the office of County School Superintendent, by a vote of the electors of said county at any general election. Many of us feel that this clause will save to the counties where it is adopted two thousand dollars a year.

I indorse it all.

I indorse all except section seven.

I indorse all.

A. Z. HALL, Farmer, Olimpo.

W. R. HALL, Farmer, Olimpo.

J. G. CLARK, Farmer, Olimpo.

I approve of all but sections twelve and thirteen.

I approve of all section thirteen.

I indorse all but section three.

I accept all but section thirteen.

I indorse all but sections six, seven, twelve, and thirteen.

I indorse all.

I approve of all but section four.

We approve of all but section twelve.

Z. SCEARCE, Farmer, Olimpo.

WM. M. HOOD, Farmer, Orland.

HARRISON FOWLER, Teacher, Orland.

F. C. GRAVES, Farmer, Olimpo.

T. J. KIRKPATRICK, Farmer, Olimpo.

J. C. ELDER, Teacher, Orland.

HENRY MOORE, Farmer, Orland.

G. W. MURDOCK, Farmer, Olimpo.

S. MURDOCK, Farmer, Olimpo.

Referred to the Committee on Education.

PETITION.

By Mr. Langford—Petition of Laura DeForce Gordon for removal of political disabilities:

To the Senate and Assembly of the State of California, in Legislature convened :

Laura DeForce Gordon, a native-born citizen of the United States, and a resident and taxpayer in the County of San Joaquin, State of California, hereby respectfully petitions your honorable body for the removal of her political disabilities, and that she may be declared vested with full power to exercise the most sacred of all rights of American citizenship—representation in the government through the ballot-box—and which by section twenty-one of article one of the Constitution of the State of California you have power to grant; and for this she will ever pray.

Read, and referred to the Committee on Elections.

REPORTS OF STANDING COMMITTEES.

By Mr. Cheney :

SENATE CHAMBER, SACRAMENTO, February 5th, 1880.

MR. PRESIDENT: Your Committee on Engrossment, to whom was recommitted Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three of the Code of Civil Procedure, relating to pleadings in civil actions—report same as correctly engrossed.

CHENEY, Chairman.

Also :

SENATE CHAMBER, SACRAMENTO, February 5th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills and resolutions, viz.: Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice, and various officers connected therewith.

Senate Bill No. 5—An Act to provide for the improvement of the Normal School Square, in the City of San José.

Senate Concurrent Resolution No. 9—Relative to an appropriation by the General Government for dredging Humboldt Bay.

Senate Bill No. 139—An Act to repeal chapters four and five, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters four and five, relating to appeals in civil actions.

Senate Bill No. 140—An Act to amend sections nine hundred and forty-three, nine hundred and forty-eight, and nine hundred and fifty-nine of the Code of Civil Procedure, relating to appeals in civil actions.

Senate Bill No. 145—An Act to amend section one thousand of the Code of Civil Procedure, relating to the inspection of writings.

Senate Bill No. 146—An Act to amend sections one thousand and four and one thousand and five of the Code of Civil Procedure, relating to motions and orders in civil actions.

Senate Bill No. 147—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure, relating to the time within which certain acts are to be done.

Senate Bill No. 148—An Act to amend section one thousand and fifty-five of the Code of Civil Procedure, relating to actions against Sheriffs.

Senate Bill No. 149—An Act to repeal section one thousand and fifty-six of the Code of Civil Procedure.

Senate Bill No. 150—An Act to amend section one thousand and fifty-eight of the Code of Civil Procedure, relating to civil actions wherein the State, or an officer thereof, or a county, city and county, city or town is a party.

Senate Bill No. 151—An Act to amend section one thousand one hundred and eight of the Code of Civil Procedure, relating to writs of review, mandate, and prohibition.

Senate Bill No. 163—An Act to amend sections two hundred and forty-five, two hundred and forty-eight, and two hundred and forty-nine of the Political Code, relating to Clerks of the Senate and Assembly.

CHENEY, Chairman.

By Mr. Brown:

MR. PRESIDENT: The Committee to whom was referred Senate Bill No. 179, have had the same under consideration, and report it back and recommend its passage.

BROWN, Chairman.

By Mr. Dickinson:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 53, in relation to "Providing for the establishment of a Board of Nautical Examiners for the Port of San Francisco, for the examination of masters and mates of sea-going sailing vessels, owned in this State (pilot boats and pleasure yachts excepted), and for the issuance and revocation of certificates of competence and service," have had the same under consideration, and report the same back to the Senate, and recommend that it do not pass.

DICKINSON, Chairman.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, February 4th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders holding a majority of the shares of stock thereof, and electing other officers—have had the same under consideration, and report the same back to the Senate, with its original amendments, and recommend its passage.

SEARS, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 4th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 216—An Act to amend sections two hundred and ninety-four and two hundred and ninety-five, of the Civil Code of the State of California, concerning corporations—have had the same under consideration, and report the same back to the Senate, and recommend that it do not pass.

SEARS, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 4th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 213—An Act to amend section three hundred and fifty-eight of the Civil Code of the State of California, concerning corporations—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage.

SEARS, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 5th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 161—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, and one thousand two hundred and thirty-three, of the Code of Civil Procedure, relating to the voluntary dissolution of corporations—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 137—An Act to amend sections one thousand two hundred and twenty-seven and one thousand two hundred and thirty-three of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to the voluntary dissolution of copartnerships—and recommend that it be indefinitely postponed, as it is covered by Senate Bill No. 161.

Also, Senate Bill No. 138—An Act to amend sections eight hundred and thirty-two, eight hundred and thirty-three, eight hundred and thirty-eight, eight hundred and forty-three, eight

hundred and forty-four, eight hundred and forty-five, eight hundred and forty-nine, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and two, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceedings in Justices' Courts—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 159—An Act to amend sections one thousand one hundred and sixty-three, one thousand one hundred and sixty-six, one thousand one hundred and sixty-seven, one thousand one hundred and sixty-eight, one thousand one hundred and seventy-one, one thousand one hundred and seventy-six, and one thousand one hundred and seventy-nine, of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property in certain cases—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 162—An Act to amend sections one thousand two hundred and forty-three, one thousand two hundred and forty-four, and one thousand two hundred and fifty-four, of the Code of Civil Procedure, relating to eminent domain—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 163—An Act to amend sections one thousand two hundred and sixty-nine and one thousand two hundred and seventy-two of the Code of Civil Procedure, relating to escheated estates—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 164—An Act to amend sections one thousand two hundred and seventy-five, one thousand two hundred and seventy-six, one thousand two hundred and seventy-eight, and one thousand two hundred and seventy-nine, of the Code of Civil Procedure, relating to change of names—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 165—An Act to amend section one thousand two hundred and eighty-three of the Code of Civil Procedure, relating to arbitrations—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 175—An Act to amend sections one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight, of the Code of Civil Procedure, relating to guardians and wards—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 176—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 177—An Act to amend sections one thousand nine hundred and ninety-four, one thousand nine hundred and ninety-five, two thousand and twenty-four, two thousand and thirty-six, two thousand and thirty-seven, two thousand and seventy, and two thousand and eighty-four, of the Code of Civil Procedure, relating to evidence—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 178—An Act to add a new section to the Penal Code, to be known as section seven hundred and ninety-six, relating to the place of trial of indictments or informations for publications in newspapers—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 49—An Act to punish bribery—and report the same back, and recommend that it be indefinitely postponed, as its provisions are already substantially contained in the Penal Code.

NYE, Chairman.

Judiciary Committee granted further time to report upon Senate Bills Nos. 6 and 218, which were referred to them with instructions to report to-day.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Hittell: Senate Bill No. 261—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration.

By Mr. Kane: Senate Bill No. 262—An Act to repeal section two thousand and ninety-four of the Political Code.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Enos: Senate Bill No. 263—An Act prohibiting the keeping or sale of animals afflicted with glanders or other infectious diseases.

Also: Senate Bill No. 264—An Act prohibiting the admission of minors to houses of prostitution, or to houses or rooms resorted to for the purpose of prostitution.

Each of the above bills read first time, and referred to the Committee on Public Morals.

Also: Senate Bill No. 265—An Act to enable the San Francisco Society for the Prevention of Cruelty to Animals to take under wills. Read first time, and referred to the Committee on Judiciary.

By Mr. Sears: Senate Bill No. 266—An Act to amend section six hundred and eleven of the Civil Code, relating to cemetery corporations.

By Mr. Enos: Senate Bill No. 267—To suppress pigeon shooting and similar sports.

Read first time, and referred to the Committee on Public Morals.

RESOLUTIONS.

By Mr. Sears: .

Resolved, That A. Waitz, the Clerk of the Committee on Corporations, be allowed his per diem from the sixteenth of January, to be paid out of the fund for the contingent expenses of the Senate.

Adopted.

By Mr. Wendell:

Resolved, That the Committee on County Governments and Township Organizations be authorized to employ a Clerk at a compensation of five dollars per day, payable out of the Contingent Expense Fund of the Senate.

Read, and referred to the Committee on Contingent Expenses and Mileage.

By Mr. Dickinson:

Resolved, That W. W. Traylor be allowed and paid out of the Contingent Fund of the Senate, the sum of five hundred dollars, as and for his expenses and costs in the contested election case of Pinder vs. Traylor.

Read, and referred to the Committee on Elections.

Mr. Brown (by leave) withdrew Senate Bill No. 179, and substituted Senate Bill No. 180, above reported, Bill No. 179 being reported by mistake.

COMMUNICATIONS.

On motion of Mr. Nye, the rules were suspended and the following communications were read:

CHICAGO, January 30th, 1880.

Senator Enos:

DEAR FRIEND: On my way: will arrive as soon as emigrant cars can make it—say Friday week. Yours truly,

ROBERT DESTY.

SAN FRANCISCO, February 4th, 1880.

Hon. John Mansfield, President of the Senate:

SIR: My husband, Senator Desty, will be here in a few days, with papers to vindicate his honor and entitle him to his seat, and I ask the Senate, through you, to postpone action for one week, that justice may be done.

MRS. ROBERT DESTY.

Referred to the Committee on Elections.

RESOLUTION.

By Mr. Enos:

Resolved, That T. J. Pinder be allowed five hundred dollars, to reimburse him for his expenses in the contested case of Pinder vs. Traylor, payable out of the Contingent Fund of the Senate.

Mr. Pardee moved to refer the same to the Finance Committee.

Mr. Johnson moved to amend by referring the resolution to the Committee on Elections.

Carried.

REPORTS.

By leave, Mr. Pardee submitted the following report from the Committee on Finance:

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have had under consideration Senate Bill No. 120—An Act prescribing the manner of assessing the capital stock and franchises of corporate companies and joint-stock associations.

Also, Senate Bill No. 138—An Act providing for the assessment of property, and the manner for collecting taxes, together with income taxes.

Also, Senate Bill No. 196—An Act to amend sections three thousand six hundred and seven-ten, three thousand six hundred and forty-three, three thousand six hundred and forty-four, three thousand six hundred and fifty, three thousand six hundred and fifty-seven, and three thousand seven hundred and ninety-three, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 199—An Act to direct Assessors in the assessment of evidence of indebtedness.

Also, Senate Bill No. 206—An Act prescribing the manner of assessing certain property—and would respectfully recommend that each and all of the above Senate bills, viz.: No. 120, No. 138, No. 196, No. 199, and No. 206, be referred to the Joint Committee on Revenue and Taxation, viz.: the Senate Finance Committee and the Assembly Ways and Means Committee.

PARDEE, Chairman.

On motion of Mr. Johnson, the recommendation was concurred in by the Senate.

By Mr. Pardee:

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have had under consideration Senate Bill No. 106—An Act to repeal an Act entitled "An Act appropriating money for the conservation of the public peace" approved March thirtieth, eighteen hundred and seventy-eight, and respectfully recommend that the same be passed.

PARDEE, Chairman.

Also;

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have had under consideration Senate Bill No. 108—An Act granting relief to taxpayers whose lands have been sold to the State—and respectfully recommend that the same be passed.

PARDEE, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have had under consideration Senate Bill No. 119—An Act to provide for the redemption of bonds of the State of California held in private hands—and respectfully recommend that the same be passed.

PARDEE, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have considered Senate Bill No. 101—An Act providing for the assessment and collection of taxes—and respectfully recommend that it be referred to the Joint Committee on Revenue and Taxation, viz.: the Senate Finance Committee and the Assembly Committee on Ways and Means.

PARDEE, Chairman.

Recommendation, as reported, concurred in by the Senate.

GENERAL FILE—THIRD READING.

Assembly Bill No. 34—An Act to amend an Act entitled "An Act to define the Senatorial and Assembly Districts of the State, and to apportion the representation thereof," approved March sixteenth, eighteen hundred and seventy-four.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Dickinson, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Baker, Conger, Enos, George, Glascock, Kane, Kelly, and Pool—8.

The title was then read, and the same approved as read.

Senate Bill No. 67, passed on the file.

Assembly Bill No. 18—An Act to repeal section four hundred and twenty of the Penal Code.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Chase, Conger, Enos, George, Gorman, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Ryan, Satterwhite, Sears, Watson, Wendell, and West—24.

NOES—Messrs. Baker, Brown, Carlock, Cheney, Glascock, Harlan, Hittell, Johnston, Neumann, Traylor, and Zuck—11.

The title was then read, and the same approved as read.

Senate Bill No. 67—An Act repealing section four hundred and twenty of the Penal Code, in reference to the inciting of riots, etc.

On motion of Mr. Wendell, above bill was indefinitely postponed.

Senate Bill No. 118—On motion of Mr. Hittell, passed temporarily on the file.

Senate Bill No. 5—An Act to provide for the improvement of Normal School Square, in the City of San José.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—30.

NOES—Messrs. Glascock, Gorman, Langford, Moreland, Nelson, and Satterwhite—6.

The title was then read, and the same approved as read.

Senate Bill No. 140—An Act to amend sections nine hundred and

forty-three, nine hundred and forty-eight, and nine hundred and fifty-nine, of the Code of Civil Procedure, relating to appeals in civil actions.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 145—An Act to amend section one thousand of the Code of Civil Procedure, relating to inspection of writings.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 146—An Act to amend sections one thousand and four and one thousand and five of the Code of Civil Procedure, relating to motions and orders in civil actions.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 147—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure, relating to the time within which certain acts are to be done.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 148—An Act to amend section one thousand and fifty-five of the Code of Civil Procedure, relating to actions against Sheriffs.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 149—An Act to repeal section one thousand and fifty-six of the Code of Civil Procedure.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

President pro tem. Baker in the chair.

Senate Bill No. 150—An Act to amend section one thousand and fifty-eight of the Code of Civil Procedure, relating to civil actions wherein the State, or an officer thereof, or a county, city, or town, is a party.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and Zuck—36.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 151—An Act to amend section one thousand one hundred and eight of the Code of Civil Procedure, relating to writs of review, mandate, or prohibition.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 139—An Act to repeal chapters four and five, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters four and five, relating to appeals in civil actions.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and Zuck—36.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three, of the Code of Civil Procedure, relating to pleadings in civil actions.

Read third time and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—36.

NOES—None.

The title was then read, and the same approved as read.

INTRODUCTION AND FIRST READING OF BILLS—CONTINUED.

By Mr. Johnson: Senate Bill No. 268—An Act providing for appeals from orders forming reclamation or swamp land districts, setting off such lands from such districts or consolidating districts.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Ryan: Senate Bill No. 269—An Act to amend section four of an Act to establish a scale for measurements of logs, approved March twenty-eighth, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Judiciary.

By Mr. Moreland: Senate Bill No. 270—An Act to amend section two hundred and ninety-one of the Political Code.

Read first time, and referred to the Judiciary Committee.

Leave of absence was granted to the Committee on Finance for the afternoon.

ADJOURNMENT.

At twelve o'clock M., on motion of Mr. Nye, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 6th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Bart, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITIONS.

Mr. Enos introduced a petition from the taxpayers of San Francisco, relating to the rates of fire insurance in the City and County of San Francisco.

Read, and referred to the Committee on Corporations.

Also, a petition from the taxpayers of the Thirteenth Senatorial District, relating to the police of San Francisco.

Read, and referred to the Committee on Finance.

REPORTS OF STANDING COMMITTEES.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 6th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 152—An Act to amend sections one thousand one hundred and fifteen, one thousand one hundred and sixteen, one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty, one thousand one hundred and twenty-four, one thou-

and one hundred and twenty-five, one thousand one hundred and twenty-six, and one thousand one hundred and twenty-seven of the Code of Civil Procedure, relating to contesting certain elections—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 197—An Act to repeal section number one thousand one hundred and twenty-five of the Code of Civil Procedure—and recommend that it be indefinitely postponed, as its provisions are covered by Senate Bill No. 152.

Also, Senate Bill No. 223—An Act to amend section one thousand three hundred and eighty-six of the Civil Code—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 184—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to personal property set apart for the use of the family—and recommend its passage.

Also, Senate Bill No. 71—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 12—An Act to repeal chapter four, title one, part two, of the Political Code, and all laws creating judicial districts in this State, defining the boundaries thereof, and fixing the terms of Court therein—and recommend its passage.

NYE, Chairman.

Mr. Enos submitted the following minority report from the Judiciary Committee:

SENATE CHAMBER, SACRAMENTO, February 6th, 1880.

MR. PRESIDENT: The undersigned respectfully dissents from the report of the Judiciary Committee in their recommendation that Senate Bill No. 197—An Act to repeal section one thousand one hundred and twenty-five of the Code of Civil Procedure—be indefinitely postponed. Election contests are of a quasi public nature. The people of the State are the parties who are ultimately affected, and therefore most interested in such contests. The burden and expense of proving, or in good faith attempting to prove, that a miscount has been made or a fraud committed in an election, ought not to be thrown upon or borne by a single citizen. If there are reasonable doubts, or grounds of doubt, as to the true result of an election, the inhabitants of the particular district or county should pay for the solution of that doubt.

JOHN S. ENOS.

Mr. Brown, Chairman of the Committee on Public Roads and Highways, verbally reported back Senate Bill No. 179, with a substitute, and recommending the passage of the substitute.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 5th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February second, eighteen hundred and eighty, passed Assembly Bill No. 15—An Act to amend sections thirty-three, thirty-four, thirty-five, thirty-six, forty, forty-three, forty-four, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-nine, ninety, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, one hundred and eighteen, one hundred and thirty, one hundred and thirty-four, one hundred and forty-four, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and sixty-one, one hundred and sixty-six, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-nine, one hundred and eighty-four, one hundred and eighty-five, two hundred and sixty-five, two hundred and sixty-six, and nine hundred and eighteen, and to repeal sections two hundred and fifty-eight and two hundred and fifty-nine, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to Courts of justice and judicial officers.

Also, that on February third, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 95—An Act to repeal an Act entitled "An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda."

Also, that on February third, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 48—An Act to amend an Act entitled "An Act relating to mutual, beneficial, and relief associations," approved March twenty-eighth, eighteen hundred and seventy-four.

Also, that on February fourth, eighteen hundred and eighty, the Assembly passed Senate Concurrent Resolution No. 10—Relative to Franco-American Treaty.

Also, that on February fourth, eighteen hundred and eighty, the Assembly considered Senate message of even date therewith, relative to the improper transmission of Senate Bill No. 56—

An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court—that the proper corrections have been made, and that said bill, with the Assembly amendments properly attached, is herewith transmitted, with the request that the amendments be concurred in.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 15, above reported, on motion of Mr. Hittell, was referred to the Judiciary Committee without reading.

Assembly Bills Nos. 95 and 48, above reported, read first time, and referred to the Judiciary Committee.

Senate Bill No. 56, above reported, amendments read; first amendment concurred in; in the second amendment, the Senate refused to concur, and ordered the same back to the Assembly.

INTRODUCTION OF BILLS.

By Mr. Enos: Senate Bill No. 271—An Act to amend section four hundred and forty-nine of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 272—An Act reducing fees for the commencement of actions in Justices' Court in the City and County of San Francisco.

Read first time, and referred to the Judiciary Committee without being printed.

By Mr. Rowell: Senate Bill No. 273—An Act to amend sections three thousand and seventy-four, three thousand and seventy-five, three thousand and seventy-six, three thousand and seventy-seven, three thousand and seventy-eight, three thousand and seventy-nine, three thousand and eighty, three thousand and eighty-one, three thousand and eighty-two, and three thousand and eighty-five, of the Political Code, relative to the registration of births, marriages, and deaths.

Read first time, and referred to the Judiciary Committee.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 6th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February third, eighteen hundred and eighty, passed Assembly Bill No. 57—An Act to repeal an Act entitled "An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days," approved March seventh, eighteen hundred and seventy-six.

Also, that on February third, eighteen hundred and eighty, the Assembly passed Assembly Joint Resolution No. 1—Asking the recall of a certain order of the Commissioner of the General Land Office of the United States.

Also, that on February third, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 81—An Act to amend section five hundred and ninety-nine of the Penal Code, relating to the protection of seals and sea lions near the Cliff House, in the City and County of San Francisco.

Also, that on February third, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 165—An Act to repeal an Act entitled an Act to change the orthography of the name of a town in Shasta County.

Also, that on February fifth, eighteen hundred and eighty, the Assembly adopted Assembly Concurrent Resolution No. 13—Relative to the printing of extra copies of the laws passed by the present Legislature, for distribution to the Supervisors, Judges, and County Clerks of this State.

Also, that on February fifth, eighteen hundred and eighty, the Assembly refused to concur in the Senate amendments to Assembly Bill No. 31—entitled an Act to amend sections one thousand four hundred and eighteen and one thousand four hundred and nineteen of an Act enti-

tled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to reprieves, commutations, and pardons.

Also, that on February fifth, eighteen hundred and eighty, the Assembly refused to concur in the Senate amendments to Assembly Bill No. 32—entitled an Act to amend sections seven hundred and thirty-seven, seven hundred and forty-six, seven hundred and forty-nine, and seven hundred and fifty-three, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to impeachments.

Also, that on February fifth, eighteen hundred and eighty, the Assembly refused to concur in the Senate amendments to Assembly Bill No. 33—entitled an Act to amend sections one thousand four hundred and seventy-five and one thousand five hundred and four of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to a writ of habeas corpus.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 57, above reported, read first time, and referred to the Judiciary Committee.

Assembly Joint Resolution No. 1, above reported, read first time, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 81, above reported, read first time, and referred to the Committee on Fisheries and Game.

Assembly Bill No. 165, above reported, read first time, and referred to the Committee on County and Township Governments.

Assembly Concurrent Resolution No. 13, above reported, read first time, and referred to the Committee on Public Printing.

Assembly Bill No. 31, above reported, Senate refused to concur in the amendments, as amended by the Assembly.

Mr. Wendell moved that the Senate adhere to its amendment.

Carried.

Assembly Bill No. 32, above reported, same disposition as in Assembly Bill No. 31.

Assembly Bill No. 33, above reported, same disposition as in Assembly Bill No. 31.

Mr. Wendell moved that the Chair appoint a committee of three to act as Conference Committee, and that the Assembly be requested to appoint a similar committee, said committees to confer with each other upon Assembly Bills Nos. 31, 32, and 33.

Carried.

The Chair appointed the following Senators as such committee: Messrs. Wendell, Hittell, and Satterwhite.

INTRODUCTION OF BILLS—CONTINUED.

By Mr. Nye: Senate Bill No. 274—An Act to reimburse the Support Fund of the Deaf and Dumb and Blind Asylum.

Read first time, and referred to the Committee on Public Buildings.

Also: Senate Bill No. 275—An Act to provide for the erection of buildings and improvements for the Deaf and Dumb and Blind Asylum.

Read first time, and referred to the Committee on Public Buildings.

By Mr. Wendell: Senate Bill No. 276—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Read first time, and referred to the Judiciary Committee.

By Mr. Glascock: Senate Bill No. 277—An Act to amend section four of an Act entitled an Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes, approved March twentieth, eighteen hundred and seventy-eight.

Read first time, referred to Committee of the Whole, and placed on general file.

By Mr. Enos: Senate Bill No. 278—An Act to amend section four hundred and thirty-one of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

Leave of absence granted the Committee on Claims for one hour.

GENERAL FILE.

Senate Bill No. 137, on motion of Mr. Hittell, was indefinitely postponed.

Senate Bill No. 158—An Act to amend sections eight hundred and thirty-two, eight hundred and thirty-three, eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-nine, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and two, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Hittell moved to amend by making section fifteen section eleven.

Carried.

Mr. Nye moved to amend last section by striking out the words "Superior Judge," and inserting the words "Judge of the Superior Court."

Carried.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 159—An Act to amend sections one thousand one hundred and sixty-three, one thousand one hundred and sixty-six, one thousand one hundred and sixty-seven, one thousand one hundred and sixty-eight, one thousand one hundred and seventy-one, one thousand one hundred and seventy-six, and one thousand one hundred and seventy-nine, of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property in certain cases.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 161—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, and one thousand two hundred and thirty-three, of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

RESOLUTION.

By leave, Mr. Pardee introduced the following:

Resolved, That the Committee on Finance be increased by the addition of two, selected by the President of the Senate.

Adopted.

The Chair appointed Messrs. Baker and Sears pursuant to the resolution.

GENERAL FILE—RESUMED.

Senate Bill No. 162—An Act to amend sections one thousand two hundred and forty-three, one thousand two hundred and forty-four, and one thousand two hundred and fifty-four, of the Code of Civil Procedure, relating to eminent domain.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 163—An Act to amend sections one thousand two hundred and sixty-nine and one thousand two hundred and seventy-two of the Code of Civil Procedure, relating to escheated estates.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 164—An Act to amend sections one thousand two hundred and seventy-five, one thousand two hundred and seventy-six, one thousand two hundred and seventy-eight, and one thousand two hundred and seventy-nine, of the Code of Civil Procedure, relating to change of names.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 165—An Act to amend section one thousand two hundred and eighty-three of the Code of Civil Procedure, relating to arbitrations.

Read second time.

Senate considered as in Committee of the Whole.

Amendment adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 175—An Act to amend sections one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one,

one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight, of the Code of Civil Procedure, relating to guardians and wards.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Hittell moved to amend the title by inserting the words "of the Code of Civil Procedure," before the word "relating."

Amendment adopted, and bill, as amended, ordered engrossed.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President Mansfield in the chair.

The roll was called, and there being no quorum present the Senate, on motion of Mr. Hittell, took a recess for ten minutes.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and forty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Davis (by leave) introduced the following bill out of order:

Senate Bill No. 279—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, relative to the use of opium.

Read first time, and referred to the Judiciary Committee.

RESOLUTION.

By leave, Mr. Pardee introduced the following out of order:

Resolved, That Senate Bill No. 106 be returned to the Finance Committee for further consideration.

Adopted.

GENERAL FILE—CONTINUED.

Senate Bill No. 176—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 177—An Act to amend sections one thousand nine hundred and ninety-four, one thousand nine hundred and ninety-five, two thousand and twenty-four, two thousand and thirty-six, two thousand and thirty-seven, two thousand and seventy, and two thousand and eighty-four, of the Code of Civil Procedure, relating to evidence.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 178—An Act to add a new section to the Penal Code, to be known as section seven hundred and ninety-six, relating to the place of trial of indictments or informations for publications in newspapers.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 49—An Act to punish bribery.

On motion of Mr. Hittell the bill was indefinitely postponed.

Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of stock thereof, and electing other officers.

Mr. Conger moved that the bill be made the special order for Monday, February ninth, at two o'clock and thirty minutes p. m.

Lost.

Senate considered as in Committee of the Whole.

Mr. Hittell offered the following amendments: Amend bill by striking out words, "or city and county," in lines five, twenty-one, and twenty-seven, of section one, also in line eighteen of section four.

Adopted.

On motion of Mr. Wendell, the bill was recommitted to the Judiciary Committee, with instructions to harmonize certain sections.

Senate Bill No. 213—An Act to amend section three hundred and fifty-eight of the Civil Code, concerning corporations.

Read second time.

Senate considered as in Committee of the Whole, and bill, as amended, ordered engrossed.

Senate Bill No. 216—On motion of Mr. Hittell the same was indefinitely postponed.

Senate Bill No. 53—Indefinitely postponed, according to the recommendation of the Committee on Commerce and Navigation.

Senate Bill No. 180—An Act entitled an Act to amend section two thousand eight hundred and fourteen of article two, chapter three, of title six, of the Political Code, concerning public ways.

President pro tem. Baker in the chair.

Mr. Hittell offered the following amendment: Amend by striking out the words "a bill entitled," in the title; also the words "article two, chapter three, of title six, of" in the title, and also in lines nine and ten from the top; also insert the words "section one" at the head of line nine from the top; also strike out the word "section" before the figures "two thousand eight hundred and fourteen," in line thirteen; also strike out the word "are," in line twelve, and insert "is" instead thereof.

Amendments adopted, and bill, as amended, ordered engrossed.

Mr. Pardee (by leave) introduced the following bill:

Senate Bill No. 280—An Act to amend sections three thousand six

hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and fifty, three thousand six hundred and fifty-two, and three thousand six hundred and seventy-three, of title nine, of the Political Code, to provide revenue for the support of the government of the State.

Read first time, and referred to the Committee on Finance.

Upon motion of Mr. Pardee, Senate Bill No. 119 was made the special order for Monday, at two o'clock P. M.

Senate Bill No. 108—An Act granting relief to taxpayers whose lands have been sold to the State.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Zuck offered the following amendment: Amend section one by striking out "one per cent. per month" and inserting "seven per cent. per annum."

Amendment adopted, and bill, as amended, ordered engrossed.

RESOLUTION.

By Mr. Brown:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to have a case constructed wherein to keep his bills, the cost of construction not to exceed the sum of twenty-seven and fifty one-hundredths dollars, said sum payable out of the appropriation for the Contingent Fund of the Senate.

Read, and referred to the Committee on Contingent Expenses and Mileage.

Mr. Enos moved that when the Senate adjourn, it adjourn to meet Monday at two o'clock and thirty minutes P. M.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Johnson: Senate Bill No. 281—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the committal of insane persons.

Also: Senate Bill No. 282—An Act to enforce the provisions of section three, of article twelve, of the Constitution.

Each of the above bills read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 283—An Act to confer power upon incorporated cities and towns to remove Chinese without the limits of such cities and towns, or to provide for their location within prescribed portions of those limits.

Read first time, and referred to Committee on Chinese and Chinese Immigration.

By Mr. Sears: Senate Bill No. 284—An Act to amend an Act entitled an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons.

Read first time, and referred to the Committee on Hospitals.

Senate Concurrent Resolution No. 9—Relative to appropriation by General Government for dredging Humboldt Bay.

Taken up out of its order.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—32.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one, to take the place thereof in said Code, relating to Courts of justice, and the various officers connected therewith.

Mr. Burt moved to recommit the bill, with instructions to incorporate certain amendments.

The ayes and noes were demanded by Messrs. Burt, Wendell, and Satterwhite, with the following result:

AYES—Messrs. Burt, Brown, Cheney, Davis, Enos, Hill, Hudson, Johnston, Kelly, Moreland, Nye, Ryan, Sears, and Watson—14.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Conger, Glascock, Gorman, Hittell, Johnson, Kane, Nelson, Pardee, Satterwhite, Traylor, Wendell, West, and Zuck—17.

Lost.

Mr. Sears moved to adjourn.

The ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Hill, Hittell, Hudson, Moreland, Satterwhite, Sears, Watson, and Wendell—14.

NOES—Messrs. Baker, Brown, Davis, Enos, Glascock, Gorman, Johnson, Johnston, Kane, Kelly, Nelson, Nye, Pardee, Ryan, and Traylor—15.

Lost.

By Mr. Cheney:

REPORT.

SENATE CHAMBER, SACRAMENTO, February 6th, 1886.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 94—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, relating to ministerial officers of the Supreme Court.

Senate Bill No. 141—An Act to amend chapters two and three, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three, to take the place thereof in said Code, relating to appeals in civil actions.

Senate Concurrent Resolution No. 17.

CHENEY, Chairman.

Mr. Johnson moved that Senate Bill No. 118 be made the special order for to-morrow, immediately after the reading of the Journal.

Carried.

ADJOURNMENT.

At four o'clock and forty-two minutes P. M., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Saturday, February 7th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Leave of absence for one day was granted Messrs. Traylor, George, Gorman, and Dickinson.

SPECIAL ORDER DIRECTLY AFTER READING THE JOURNAL.

Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section, of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice and the various officers connected therewith.

Mr. Baker moved that the above special order be postponed, and that the same be made the special order for one o'clock and thirty minutes P. M.

Lost.

Bill read third time, and passed by the following vote:

AYES—Messrs. Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, Glasecock, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—26.

NOES—Messrs. Burt and Hill—2.

REPORTS OF STANDING COMMITTEES.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following resolution:

Resolved, That the Committee on County and Township Governments be authorized to employ a Clerk at a compensation of five dollars per day, payable out of the appropriation for the contingent expenses of the Senate.

Beg leave to report and recommend that the same be adopted.

ZUCK, Chairman.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage beg leave to report and recommend the adoption of the following resolution:

Resolved, That the Assembly is hereby respectfully requested to adopt a resolution providing for the payment of thirty dollars to E. S. Belden (the same being one-half), for services rendered in taking down and transcribing the arguments in the test case, on Senate Bill No. 83, before the Supreme Court.

ZUCK, Chairman.

Rejected.

Also :

SENATE CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage beg leave to report and recommend that the following resolution be adopted :

Resolved, That E. S. Belden, short-hand reporter, be and he is hereby allowed thirty dollars (the same being one-half), for services rendered in taking down and transcribing the arguments in the test case, on Senate Bill No. 83, before the Supreme Court, said sum being payable out of the appropriation for the Contingent Fund of the Senate.

ZUCK, Chairman.

Rejected.

Also :

SENATE CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following resolution :

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to have a case constructed wherein to keep his bills, the cost of construction not to exceed the sum of twenty-seven dollars and fifty cents, said sum payable out of the appropriation of the Contingent Fund of the Senate.

Beg leave to report and recommend that the same be not adopted. .

ZUCK, Chairman.

Report adopted.

Also :

SENATE CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, having had under consideration the mileage of Senators who are members of the Committee on State Prison, beg leave to report that they are entitled to the following mileage for visiting San Quentin :

NAMES.	Miles.	Amount.
Watson -----	192	\$19 20
Nye -----	192	19 20
Sears -----	192	19 20
Lampson -----	192	19 20
Moreland -----	192	19 20
Enos -----	192	19 20

We recommend the adoption of the following resolution :

Resolved, That the Controller of the State be authorized to draw his warrant upon the appropriation for the contingent expenses of the Senate in favor of the parties named, and for the amounts stated in the above report.

ZUCK, Chairman.

Adopted.

Also :

SENATE CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following resolution :

Resolved, That the Journal Clerk be and he is hereby authorized to employ an assistant, at a per diem of the Journal Clerk, payable out of the appropriation for the contingent expenses of the Senate.

Beg leave to report and recommend that the same be indefinitely postponed.

ZUCK, Chairman.

Adopted.

Also :

SENATE CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following resolution :

Resolved, That Major Thos. Williams is hereby appointed Day Watchman of the lobby of the Senate: the date of his services to commence January ninth, eighteen hundred and eighty, that being the date of his appointment to that position by the Secretary of State.

Beg leave to report and recommend that the same be referred to the Secretary of State.

ZUCK, Chairman.

Adopted.

Hospital Committee granted leave of absence for the afternoon.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, Glascock, Harlan, Hill, Hittell, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Satterwhite, Wendell, and Zuck.

Quorum present.

At one o'clock and thirty-five minutes p. m., Mr. Satterwhite moved to adjourn.

The ayes and noes were demanded by Messrs. Johnson, Zuck, and Baker.

AYES—Messrs. Chase, Cheney, Conger, Enos, Harlan, Hittell, Nelson, Pardee, Satterwhite, and Wendell—10.

NOES—Messrs. Baker, Burt, Brown, Carlock, Davis, Glascock, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Neumann, Nye, Watson, and Zuck—16.

The Senate refused to adjourn.

REPORT OF STANDING COMMITTEE.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 2, respectfully report that they have had the same under consideration, and report the same back to the Senate without recommendation.

BAKER, Chairman.

GENERAL FILE.

Senate Bill No. 152—An Act to amend sections one thousand one hundred and fifteen, one thousand one hundred and sixteen, one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty, one thousand one hundred and twenty-four, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, and one thousand one hundred and twenty-seven, of the Code of Civil Procedure, relating to contesting certain elections.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

President pro tem. Baker in the chair.

Senate Bill No. 197.

Mr. Hittell moved to indefinitely postpone the same.

The ayes and noes were demanded by Messrs. Enos, Ryan, and Conger, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Glascock, Harlan, Hittell, Johnson, Johnston, Moreland, Nelson, Neumann, Nye, Pardee, Satterwhite, Sears, Watson, Wendell, and Zuck—22.

NOES—Messrs. Conger, Enos, Hill, Kane, Kelly, Ryan, and West—7.

Carried.

Leave of absence was granted the Assistant Sergeant-at-Arms until Monday.

Senate Bill No. 223—An Act to amend section one thousand three hundred and eighty-six of the Civil Code.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 184—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to personal property set apart for the use of the family.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 71, on motion of Mr. Hittell, was indefinitely postponed.

Leave of absence granted Mr. Enos until Monday at two o'clock P. M.

Assembly Bill No. 12—An Act to repeal chapter four, title one, part two, of the Political Code, and all laws creating judicial districts in this State, defining the boundaries thereof, and fixing the terms of Court therein.

Senate considered as in Committee of the Whole.

Read second time, and ordered on the general file.

Senate Bill No. 179—An Act entitled an Act to amend section five hundred and fourteen of title five, part four, of the Civil Code, concerning wagon road corporations.

Substitute read second time.

On motion of Mr. Burt, the same was recommitted to the Committee on Roads and Highways with instructions to amend.

Senate Bill No. 94—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, relating to ministerial officers of the Supreme Court.

Read third time.

Mr. Hittell moved to lay the bill on the table.

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Glascock, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Ryan, Watson, and Zuck—21.

NOES—Messrs. Hittell, Neumann, Wendell, and West—4.

The title was then read, and the same approved as read.

Senate Bill No. 141—An Act to amend chapters two and three, of title thirteen, part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three to take the place thereof in said Code, relating to appeals in civil actions.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Glascock, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Moreland, Nelson, Nye, Ryan, Watson, Wendell, West, and Zuck—23.

NOES—None.

The title was then read, and the same approved as read.

At three o'clock and eight minutes P. M., Mr. Moreland moved to adjourn.

Lost.

Senate Concurrent Resolution No. 17—Relative to exemption of steam plows from import duty.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Glascock, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Moreland, Neumann, Nye, Ryan, Watson, Wendell, and West—22.

NOES—None.

The title was then read, and the same approved as read.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Mr. Neumann, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Monday, February 9th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Ryan, Satterwhite, Watson, Wendell, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 9th, 1880.

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 14, respectfully beg leave to report that they have had the same under consideration, and now report the same back to the Senate with amendments, and recommend the adoption of the resolution as amended.

BAKER, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 9th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 13—An Act for the relief of John Hoagland.

Also, Senate Bill No. 14—An Act for the relief of James Reid.

Also, Senate Bill No. 15—An Act for the relief of Wm. R. Toddhunter.
 Also, Senate Bill No. 16—An Act for the relief of Mrs. Mary W. G. Arsdall.
 Also, Senate Bill No. 17—An Act for the relief of George Cooper.
 Also, Senate Bill No. 18—An Act for the relief of Mrs. Rebecca C. Hoagland.
 Also, Senate Bill No. 64—An Act for the relief of Henry Lienburger.
 Also, Senate Bill No. 65—An Act for the relief of Green and Trainer.

Have had the same under consideration, and report the same back to the Senate with the recommendation that they be indefinitely postponed, for the following reasons:

In the year eighteen hundred and sixty-two the Legislature of this State passed an Act authorizing certain Commissioners to straighten the channel of the American River, build levees, etc.; such work was done. The effect was that in eighteen hundred and sixty-seven, in time of flood, the waters of the American River, flowing through the straightened channel, impinged against the Yolo shore, destroying a large amount of land of claimants as well as valuable improvements and personal property.

We find further, that the Act of the Legislature of eighteen hundred and sixty-two was a legitimate exercise of authority in the construction of a public work, and as a matter of law, if damage resulted, it was *damnum absque injuria*.

It, therefore, results that if no action for damages would lie, these relief bills would be in conflict with section thirty-one, of article four, of the Constitution, a clause of which provides as follows: "Nor shall it (the Legislature) have any power to make any gift of any public money or thing of value to any individual, municipal, or other corporation, whatever."

Further, if these claims were a legal charge against the State, the determination of their amount involves judicial powers which the Legislature cannot exercise under the Constitution.

The bills are also open to the objection that they are of a special nature, where a general law could be made applicable.

Also, Senate Bill No. 122—An Act appropriating money for the relief of Louisa Kohler—and report the same back to the Senate, with the recommendation that it be indefinitely postponed, for the same reason as is given in the case of Senate Bills Nos. 13, 14, 15, 16, 17, 18, 64, and 65, namely, that it is unconstitutional.

Also, Senate Bill No. 6—An Act to prohibit the employment of Chinese by corporations, and to add a new section to the Penal Code.

And, Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

And report the same back with amendments to both Senate Bill No. 6 and Senate Bill No. 218, and that, as amended, they are in accordance with the provisions of article nineteen of the Constitution of California, and recommend their passage as amended.

Also, Senate Bill No. 46—An Act relative to testimony and evidence in criminal cases—and report the same back, and recommend that it be indefinitely postponed.

NYE, Chairman.

Mr. Johnson submitted the following minority report:

SENATE CHAMBER, SACRAMENTO, February 9th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, respectfully begs leave to dissent from the report of the majority of said committee, in relation to Senate Bills Nos. 13, 14, 15, 16, 17, 18, 64, and 65.

The authorization by the State of the changing of the channel of the American River, whereby these claimants were damaged, and for which they here claim compensation, was in its nature of a quasi public act, for which the State should be held liable. The claims are not in the nature of a gift, but rather an obligation legally incurred, and as the State cannot be sued the Legislature should grant relief, or suggest a reparation, for an obviously just and equitable demand upon the State treasury.

GROVE L. JOHNSON.

Mr. Johnson moved that both reports be printed, and that the same be made the special order for Thursday, February twelfth, at eleven o'clock A. M.

Mr. Hittell submitted the following minority report:

SENATE CHAMBER, February 9th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 6—to prohibit the employment of Chinese by corporations—and Senate Bill No. 218—to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California—differs from the majority of the committee, and begs leave to state the reason of such difference. The special object of the commitment was to submit to the Judiciary Committee the question whether the bills were in conflict with the Constitution or otherwise. The majority of the committee has decided, if the undersigned is not in error, that the bills, although they may be opposed to the Constitution and Treaties of the United States, are not opposed to the provisions of the Constitution of California. They, in fact, find that they are

"in accordance with the provisions of article nineteen of the Constitution of California." The undersigned is of opinion that the bills are in direct conflict with article six of the so-called Burlingame Treaty, of eighteen hundred and sixty-eight, which provides that "Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions, in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation." By article five of the same treaty "the United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other, for purposes of curiosity, of trade, or as permanent residents." The Constitution of the United States, article six, provides, among other things, that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." The Constitution of California, article one, section three, in express terms recognizes the fact that "the Constitution of the United States is the supreme law of the land." It seems to the undersigned that there can be no manner of doubt that any bill which is in conflict with the Constitution of the United States is also in conflict with the Constitution of the State of California. If the Constitution of California contains a provision which is in conflict with the Constitution of the United States, such provision is not to be considered a part of the instrument, for the reason that not only the system of government under which we live, but the very Constitution itself, containing such provision, expressly provides that the Constitution of the United States is the supreme law; in other words, that in case of conflict, the Constitution of the United States must prevail. It is, therefore, in the opinion of the undersigned, a solecism to say that a bill can be in conflict with the Constitution of the United States and still be "in accordance with the Constitution of California." The undersigned wishes to be distinctly understood as opposed to Chinese immigration, and ready, willing, and anxious, on all proper occasions, to do his utmost in preventing the State from being overwhelmed with an objectionable class of sojourners, but he protests against attempts to accomplish the object in any other than legal and constitutional methods.

THEODORE H. HITTELL.

By Mr. Neumann :

SENATE CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter in contest of William Harrington, contestant, vs. Thorwald Klaudius Nelson, respondent, beg leave to report that upon examination of the testimony before them they find the respondent is a citizen of the United States of America, and of the State of California, and is entitled to his seat in this Senate.

NEUMANN, Chairman.

Mr. Zuck moved that the report be adopted.
Carried.

NOTICE.

Mr. Moreland gave the following notice :

MR. PRESIDENT: I hereby give notice that, on to-morrow morning, immediately after the reading of the Journal, I will call for a report from the Committee on Corporations as to their action on Senate Bill No. 54—entitled an Act to provide for the organization of a Board of Railroad and Transportation Commissioners.

Also, that at the same time, I will call for a report from the Committee on Finance as to their action on Senate Bill No. 101—entitled an Act to provide for the assessment and collection of taxes.

MESSAGE FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, SACRAMENTO, February 6th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February third, eighteen hundred and eighty, passed Assembly Bill No. 37—An Act to amend sections four hundred and seventy-four, six hundred and one, seven hundred and ninety-nine, nine hundred and nine, nine hundred and fifty, one thousand and fifteen, one thousand one hundred and eight, one thousand one hundred and nine, one thousand two hundred and eighty-four, one thousand three hundred and ten, two thousand two hundred and forty, two thousand three hundred and ninety-two, two thousand three hundred and ninety-three, two thousand four hundred and seven, two thousand four hundred and eight, two thousand four hundred and ten, two thousand four hundred and thirteen, two thousand four hundred and fifteen, two thousand eight hundred, two thousand eight hundred and fifty-two, three thousand two hundred and eighty-five, three thousand four hundred and ninety, four

thousand and forty-seven, four thousand and seventy-eight, four thousand one hundred and thirty-four, four thousand one hundred and sixty-five, four thousand one hundred and ninety-two, and four thousand two hundred and twenty-one, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, conferring upon the Superior Courts, their Judges or officers, the jurisdiction and authority heretofore exercised in certain cases by the Courts abolished by the Constitution, their Judges or officers.

Also, that on February sixth, eighteen hundred and eighty, the Assembly adopted Assembly Concurrent Resolution No. 14—Relative to the establishment of a postal telegraph system throughout the United States.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 37, above reported, taken up, read first time, and referred to the Committee on County and Township Governments.

Assembly Concurrent Resolution No. 14, above reported, read, and concurred in by the Senate.

ASSEMBLY CHAMBER, SACRAMENTO, February 7th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February sixth, eighteen hundred and eighty, passed Assembly Bill No. 42—An Act to confer upon the Superior Court of each county, and the Judge thereof, the powers heretofore possessed by the District, County, and Probate Courts of such county, and the Judges thereof.

Also, that on February seventh, eighteen hundred and eighty, the Assembly considered Senate message of February sixth, eighteen hundred and eighty, requesting a conference upon Senate amendments to Assembly Bill No. 31—An Act to amend sections one thousand four hundred and eighteen and one thousand four hundred and nineteen of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to reprieves, commutations, and pardons.

Assembly Bill No. 32—An Act to amend sections seven hundred and thirty-seven, seven hundred and forty-six, seven hundred and forty-nine, and seven hundred and fifty-three, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to impeachments.

And Assembly Bill No. 33—An Act to amend sections one thousand four hundred and seventy-five and one thousand five hundred and four of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the writ of habeas corpus.

And, in accordance with the request of the Senate, the Assembly ordered a conference, and the Speaker appointed Messrs. Tyler, Merry, and Fox, upon the part of the Assembly, as a Committee of Conference, to act with the corresponding committee of the Senate, upon Senate amendments to Assembly Bill No. 31, Assembly Bill No. 32, and Assembly Bill No. 33.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 42, above reported, read first time, and referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Zuck: Senate Bill No. 285—An Act to amend section seven hundred and sixty-three and nine hundred and thirty-nine of the Code of Civil Procedure, relating to proceedings in partition and appeals therefrom.

Read first time, and referred to the Judiciary Committee.

By Mr. Neumann: Senate Bill No. 286—An Act to confer power upon Boards of Supervisors of cities containing more than 100,000 inhabitants, to extend and complete all main intercepting sewers heretofore partially constructed.

Read first time, and referred to the Committee on City and Town Governments.

By Mr. Hittell: Senate Bill No. 287—An Act to amend section one thousand four hundred and ninety-one of the Code of Civil Procedure, relating to claims against the estates of deceased persons.

Read first time, and referred to the Judiciary Committee.

By Mr. Johnson: Senate Bill No. 288—An Act for the relief of John Johnson.

Read first time, and referred to the Committee on Claims.

Also: Senate Bill No. 289—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure, relating to writs of attachments.

Read first time, and referred to the Judiciary Committee.

By Mr. Cheney: Senate Bill No. 290—An Act to amend sections one thousand two hundred and forty-one and one thousand two hundred and sixty of the Civil Code, relating to homesteads.

Read first time, and referred to the Judiciary Committee.

By Mr. Davis: Senate Bill No. 291—An Act to amend section one thousand two hundred and sixty of the Civil Code, relating to homesteads.

Also: Senate Bill No. 292—An Act to amend sections one thousand four hundred and seventy-five and one thousand four hundred and seventy-six of the Code of Civil Procedure, relating to homesteads.

Also: Senate Bill No. 293—An Act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution.

Each of the above bills read first time, and referred to the Judiciary Committee.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly, and, on motion of Mr. Johnson, was taken up out of order:

ASSEMBLY CHAMBER, SACRAMENTO, February 9th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February seventh, eighteen hundred and eighty, considered Senate message of February sixth, eighteen hundred and eighty, with reference to Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

The Assembly refused to recede from Assembly amendment number one (1) to section two (2) of said bill, and requests a conference. On February ninth, eighteen hundred and eighty, the Assembly appointed, to act on the part of the Assembly, on a Conference Committee upon Assembly amendment number one (1) to section two (2) of Senate Bill No. 56, Assemblymen McIntosh, Hardy, and Fox.

J. M. WRIGHT, Assistant Clerk.

Mr. Johnson moved that the Chair appoint a Conference Committee as recommended by the Assembly.

Carried.

The Chair appointed as such committee Messrs. Johnson, Hittell, and Satterwhite.

INTRODUCTION AND FIRST READING OF BILLS—CONTINUED.

By Mr. Conger: Senate Bill No. 294—An Act to provide for the organization and regulation of paid fire departments, in any cities, and in cities and counties of over one hundred thousand inhabitants.

Read first time, and referred to the San Francisco delegation.

By Mr. West: Senate Bill No. 295—An Act to discourage and prohibit corporations and individuals from holding large tracts of land.

Read first time, and referred to the Judiciary Committee.

By Mr. Johnson: Senate Bill No. 296—An Act to appropriate

money for the support of orphans, half orphans, and abandoned children.

Read first time, and referred to the Committee on Finance.

GENERAL FILE.

Senate Joint Resolution No. 2—Relative to free coinage of silver making all gold and silver coins equally a legal tender; retiring all national bank notes, and replacing them with treasury notes receivable for all public dues.

Read second time.

Senate considered as in Committee of the Whole, and resolution ordered engrossed.

Assembly Bill No. 12—Recommitted, on motion of Mr. Hittell, to the Judiciary Committee.

Mr. Johnston (by leave) introduced the following bill out of order:

Senate Bill No. 297—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-six, three thousand four hundred and seventy-one, and three thousand four hundred and eighty, of the Political Code.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

RECESS.

At twelve o'clock and three minutes p. m., on motion of Mr. Johnson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

By leave, Mr. Ryan introduced the following bill out of order:

Senate Bill No. 298—An Act to authorize the Boards of Supervisors of the several counties of this State to transfer certain funds.

Read first time, and referred to the Committee on Finance.

There being no business before the Senate, on motion of Mr. Baker, the special order for two o'clock p. m., Senate Bill No. 119, was now taken up.

Mr. Davis moved that the bill be recommitted to the Committee on Finance.

Carried.

REPORT.

Mr. Nye submitted the following report:

MR. PRESIDENT: The Judiciary Committee of the Senate, to whom was recommitted Assembly Bill No. 12, report that they have considered the same, and report the same back with amendment, as follows: Amend the title by inserting the words "part two" after the words "title one," and recommend its passage as amended.

NYE, Chairman.

Assembly Bill No. 12, now taken up.

Amendments adopted, and being printed as amended, was read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Glasecock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Ryan, Watson, Wendell, West, and Zuck—25.

NOES—None.

The title was then read, and the same approved as read.

ADJOURNMENT.

At one o'clock and fifty-three minutes P. M., on motion of Mr. Nye, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 10th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

The Journal of yesterday was read and approved.

Leave of absence was granted the Committee on Swamp and Overflowed Lands for the forenoon.

Mr. Zuck granted leave of absence for one day.

PETITIONS.

Mr. Chase submitted a petition from the citizens of Pasa Robles, San Luis Obispo County, remonstrating against the passage of Senate Bill No. 210, signed by fifteen names.

Also, a petition from the citizens of Cayucos, San Luis Obispo County, protesting against the passage of Senate Bill No. 210, signed by fifty-one names.

Each of the above petitions was referred to the Judiciary Committee.

Mr. Langford submitted a petition from the citizens of Volcano, Amador County, protesting against the passage of Senate Bill No. 210. Referred to the Judiciary Committee.

Also, a petition from the citizens of San Joaquin County, to Hon. B. F. Langford, requesting his opposition to any bill now introduced regulating or reducing the tariff on telegrams.

Referred to the Judiciary Committee.

Mr. Moreland, in accordance with the notice given by him yesterday, called for the reports of the Committees on Corporations and Finance, relating to Senate Bill No. 54 and Senate Bill No. 101, respectively.

The Chairmen of said committees reported progress, and asked further time.

REPORTS OF STANDING COMMITTEES.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, February 10th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 132—An Act to appropriate moneys out of the General Fund in the State treasury to pay the Clerk of the State Board of Equalization, for services rendered as such Clerk—have had the same under consideration, and report it back and recommend its passage.

TRAYLOR, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 10th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 231—An Act to provide for the payment of the claim of H. L. Nichols—have had the same under consideration, and report the same back to the Senate, and recommend that it be indefinitely postponed.

TRAYLOR, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 10th, 1880.

MR. PRESIDENT: Your Committee on Claims, to whom was referred the claim of Robert Miller, for use of a horse for mowing grass on the Capitol grounds, have had the same under consideration, and report it back, and recommend that the claim be rejected.

TRAYLOR, Chairman.

RESOLUTION.

Mr. Moreland introduced the following resolution out of order:

Resolved, That the Controller of State be and he is hereby authorized to draw a warrant on the Treasurer, in favor of the Postmaster of Sacramento City, for the sum of ten dollars, for payment of a box at the Post-office for the use of the Senate for the Twenty-third Session of the Legislature.

Adopted.

REPORTS—CONTINUED.

By Mr. Cheney:

SENATE CHAMBER, February 10th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bills, viz.: Senate Bill No. 108—An Act granting relief to taxpayers whose lands have been sold to the State.

Senate Bill No. 158—An Act to amend sections eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Senate Bill No. 159—An Act to amend sections one thousand one hundred and sixty-three, one thousand one hundred and sixty-six, one thousand one hundred and sixty-seven, one thousand one hundred and sixty-eight, one thousand one hundred and seventy-one, one thousand one hundred and seventy-six, and one thousand one hundred and seventy-nine, of the Code of

Civil Procedure, relating to summary proceedings for obtaining possession of real property in certain cases.

Senate Bill No. 161—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, and one thousand two hundred and thirty-three, of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Senate Bill No. 162—An Act to amend sections one thousand two hundred and forty-three, one thousand two hundred and forty-four, and one thousand two hundred and fifty-four, of the Code of Civil Procedure, relating to eminent domain.

Senate Bill No. 163—An Act to amend sections one thousand two hundred and sixty-nine and one thousand two hundred and seventy-two of the Code of Civil Procedure, relating to escheated estates.

Senate Bill No. 164—An Act to amend sections one thousand two hundred and seventy-five, one thousand two hundred and seventy-six, one thousand two hundred and seventy-eight, and one thousand two hundred and seventy-nine, of the Code of Civil Procedure, relating to change of names.

Senate Bill No. 165—An Act to amend section one thousand two hundred and eighty-three of the Code of Civil Procedure, relating to arbitrations.

Senate Bill No. 175—An Act to amend sections one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight, of the Code of Civil Procedure, relating to guardians and wards.

Senate Bill No. 176—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Senate Bill No. 177—An Act to amend sections one thousand nine hundred and ninety-four, one thousand nine hundred and ninety-five, two thousand and twenty-four, two thousand and thirty-six, two thousand and thirty-seven, two thousand and seventy, and two thousand and eighty-four, of the Code of Civil Procedure, relating to evidence.

Senate Bill No. 178—An Act to add a new section to the Penal Code, to be known as section seven hundred and ninety-six, relating to the place of trial of indictments or informations for publications in newspapers.

Senate Bill No. 180—An Act to amend section two thousand eight hundred and fourteen of the Political Code, concerning public ways.

Senate Bill No. 213—An Act to amend section three hundred and fifty-eight of the Civil Code, concerning corporations.

CHENEY, Chairman.

Mr. Enos submitted the following minority report from the Judiciary Committee:

SENATE CHAMBER, SACRAMENTO, February 10th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, respectfully begs leave to dissent from the report of the majority of that committee, regarding Senate Bill No. 46—An Act relative to testimony and evidence in criminal cases—and herewith offers a substitute for said bill, and requests this honorable Senate to consider the same. The experience of many practitioners of the law conclusively shows that the persons whose testimony in criminal cases are by this substitute affected, is such that its reliability can in no case be depended upon, as regards truth and veracity, and injustice is thereby very often done through convictions by means of such witness being permitted to testify.

JOHN S. ENOS.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 9th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Febru-

ary ninth, eighteen hundred and eighty, concurred in Senate Concurrent Resolution No. 17, relative to duty on steam plows.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 10th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February ninth, eighteen hundred and eighty, adopted Assembly Concurrent Resolution No. 15, relative to the protection of the rivers, cities, and agricultural lands of California.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 15, above reported, read first time, and ordered on the general file.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Enos: Senate Bill No. 299—An Act to amend section one thousand one hundred and ninety-two of the Political Code, in relation to distribution of election tickets.

Read first time, and referred to Committee on Elections.

By Mr. West: Senate Bill No. 300—An Act to organize the State Board of Railroad Commissioners, to prescribe their duties, regulate their proceedings, and carry into effect the provisions of the Constitution of this State, in relation to rates and transportation of freights and passengers, by common carriers, within the jurisdiction of this State.

Read first time, and referred to Committee on Corporations.

By Mr. Kane (by request): Senate Bill No. 301—An Act relating to intelligence offices.

Read first time, and referred to Committee on Public Morals.

By Mr. Davis: Senate Bill No. 302—An Act to amend section four thousand four hundred and eight of the Political Code, relating to the government of cities.

Read first time, and referred to Committee on City and Town Governments.

By Mr. Ryan: Senate Bill No. 303—An Act to repeal sections three hundred and fifteen, three hundred and sixteen, and three hundred and seventeen, of the Code of Civil Procedure.

Read first time, and referred to Judiciary Committee.

By Mr. Dickinson: Senate Bill No. 304—An Act to amend an Act entitled "An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San Francisco," approved March ninth, eighteen hundred and seventy, in conformity with the Constitution adopted by the people of this State, May seventh, eighteen hundred and seventy-nine.

Read first time, and referred to the Judiciary Committee.

By Mr. Hill: Senate Bill No. 305—An Act to encourage the planting and growing of timber.

Read first time, and referred to the Committee on Agriculture.

Also: Senate Bill No. 306—An Act relating to the intoxication of officers.

Also: Senate Bill No. 307—An Act relating to swindling by cards or other means.

Each of the above bills read first time, and referred to the Committee on Public Morals.

Leave of absence was granted the Committee on Public Buildings for the rest of the week.

Mr. Gorman introduced the following resolution out of order:

Resolved, That the Secretary prepare, and the State Printer print, a complete history of each Senate bill that has been, or may be, introduced during the session, and the same to be hereafter issued in a weekly report.

Adopted.

GENERAL FILE.

Senate Bill No. 6—An Act to prohibit the employment of Chinese by corporations, and to add a new section to the Penal Code.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted.

Mr. Neumann moved that the enacting clause be stricken out.

The ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Carlock, Dickinson, Hittell, Lampson, and Neumann—5.

NOES—Messrs. Anderson, Baker, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Kane, Kelly, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—26.

Lost.

Bill, as amended, ordered engrossed.

Senate Bill No. 46—An Act relative to testimony and evidence in criminal cases.

Mr. Hittell moved to indefinitely postpone the same, according to the recommendation of the Judiciary Committee.

Mr. Ryan offered the following as an amendment to section one: "The testimony of all persons ineligible to become citizens must be taken by a Court or jury for what, in the opinion of the Court or jury, such testimony is worth."

Lost.

RECESS.

During the discussion of the bill, at twelve o'clock and twenty-four minutes P. M., Mr. Johnson moved that the Senate take a recess until one o'clock and thirty minutes P. M.

Carried.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

Further discussion of Senate Bill No. 46 continued.

Mr. Enos asked leave to close the debate.

The Chair denied the right under Rule Twenty-three.

Mr. Enos appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate," the ayes and noes were demanded by Messrs. Enos, Conger, and Satterwhite, with the following result:

AYES—Messrs. Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Traylor, Watson, and Wendell—17.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Kane, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, Sears, and West—16.

The decision of the Chair was sustained.

The question now recurred upon the original question, "Shall the bill be indefinitely postponed?"

Upon which the ayes and noes were demanded by Messrs. Wendell, Enos, and Satterwhite, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Hittell, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, Wendell, and West—23.

NOES—Messrs. Anderson, Conger, Enos, Gorman, Kane, Langford, Moreland, Nelson, Ryan, and Satterwhite—10.

Carried.

Senate Bill No. 122, on motion of Mr. Hittell, was indefinitely postponed, according to the recommendation of the Judiciary Committee.

Senate Concurrent Resolution No. 14—Relative to railroad companies and land patents.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and resolution, as amended, ordered engrossed.

Senate Bill No. 277—An Act to amend section four of an Act entitled an Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes, approved March twentieth, eighteen hundred and seventy-eight.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

THIRD READING AND PASSAGE OF BILLS.

Senate Bill No. 158—An Act to amend sections eight hundred and thirty-two, eight hundred and thirty-three, eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-nine, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and two, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Dickinson, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Lampson, Langford, Nelson, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Wendell, and West—25.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 159—An Act to amend sections one thousand one hundred and sixty-three, one thousand one hundred and sixty-six, one thousand one hundred and sixty-seven, one thousand one hundred and sixty-eight, one thousand one hundred and seventy-one, one thousand one hundred and seventy-six, and one thousand one hundred and seventy-nine, of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property in certain cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Dickinson, George, Glascock, Gorman, Hittell, Johnston, Kane, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Wendell, and West—24.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 161—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, and one thousand two hundred and thirty-three, of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Dickinson, George, Glascock, Gorman, Hittell, Johnston, Kane, Lampson, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—22.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 163—An Act to amend sections one thousand two hundred and sixty-nine and one thousand two hundred and seventy-two of the Code of Civil Procedure, relating to escheated estates.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Dickinson, George, Glascock, Gorman, Hittell, Johnston, Kane, Lampson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—25.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 164—An Act to amend sections one thousand two hundred and seventy-five, one thousand two hundred and seventy-six, one thousand two hundred and seventy-eight, and one thousand two hundred and seventy-nine, of the Code of Civil Procedure, relating to change of names.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Dickinson, George, Glascock, Gorman, Hittell, Johnston, Kane, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—26.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 165—An Act to amend section one thousand two hundred and eighty-three of the Code of Civil Procedure, relating to arbitrations.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—26.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 175—An Act to amend sections one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight, of the Code of Civil Procedure, relating to guardians and wards.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glaseock, Gorman, Hittell, Johnson, Johnston, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and West—28.
 NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 176—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Gorman, Hittell, Johnson, Johnston, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and West—27.
 NOES—None.

The title was read, and the same approved as read.

Senate Bill No. 177—An Act to amend sections one thousand nine hundred and ninety-four, one thousand nine hundred and ninety-five, two thousand and twenty-four, two thousand and thirty-six, two thousand and thirty-seven, two thousand and seventy, and two thousand and eighty-four, of the Code of Civil Procedure, relating to evidence.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glaseock, Gorman, Hittell, Johnson, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—28.
 NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 178—An Act to add a new section to the Penal Code, to be known as section seven hundred and ninety-six, relating to the place of trial of indictments or informations for publications in newspapers.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Hittell, Johnson, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—28.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 213—An Act to amend section three hundred and fifty-eight of the Civil Code, concerning corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Hittell, Johnson, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—28.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 180—An Act entitled an Act to amend section two thousand eight hundred and fourteen of article two, chapter three, of title six, of the Political Code, concerning public ways.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, George, Glascock, Gorman, Hittell, Johnson, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—26.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 108—An Act granting relief to taxpayers whose lands have been sold to the State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—28.

NOES—None.

The title was then read, and the same approved as read.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, February 10th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz: Senate Bill No. 152—An Act to amend sections one thousand one hundred and sixteen, one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, and one thousand one hundred and twenty-seven, and to repeal section one thousand one hundred and twenty-four, of the Code of Civil Procedure, relating to contesting certain elections.

Senate Bill No. 223—An Act to amend section one thousand three hundred and eighty-six of the Civil Code, relating to succession.

Senate Bill No. 184—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to property set apart for the use of the family.

CARLOCK, for Chairman.

GENERAL FILE—RESUMED.

Senate Bill No. 152—An Act to amend sections one thousand one hundred and fifteen, one thousand one hundred and sixteen, one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty, one thousand one hundred and twenty-four, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, and one thousand one hundred and twenty-seven, of the Code of Civil Procedure, relating to contesting certain elections.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, George, Glascock, Hittell, Johnson, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—26.

NOES—Messrs. Enos and Gorman—2.

The title was then read, and the same approved as read.

Senate Bill No. 223—An Act to amend section one thousand three hundred and eighty-six of the Civil Code.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—29.

NOES—Mr. Enos—1.

The title was then read, and the same approved as read.

Senate Bill No. 184—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to personal property set apart for the use of the family.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, George, Glascock, Gorman, Hittell, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—27.

NOES—Messrs. Enos, Kane, and Rowell—3.

The title was then read, and the same approved as read.

RESOLUTIONS.

By Mr. Kane:

Resolved, That the President of the Senate be and he is hereby requested to appoint a committee of five Senators, to be known as a Committee of Inquiry: that the duty of such committee shall be to inquire into and ascertain in what manner the appropriations have been expended on the so-called "bulk-head," or "sea-wall," in the City and County of San Francisco, and the harbor thereof, to whom the same has been paid, for what the same has been paid, and to make a thorough and minute investigation into the whole management of construction of said bulk-head and sea-wall from the time of the commencement of its construction to the time of the filing of the report of the committee herein provided for. Said committee shall meet at any and all times, as the Chairman thereof shall call a meeting, during the adjournment of the session, and report their proceedings to the twenty-fourth session of the Senate. They shall have power to appoint a Short-hand Reporter, a Clerk, and a Sergeant-at-Arms, and shall have power to bring such witnesses before them as they may desire, and inspect and send for all books and records of any work done upon said bulk-head and sea-wall.

Mr. Neumann moved that the resolution be referred to the Committee on Commerce and Navigation.

Mr. Ryan moved to amend by making the same a special order for one o'clock and thirty minutes P. M. to-morrow.

Amendment lost.

The question recurring upon the original motion, was declared carried.

By Mr. Enos:

Resolved, That Senator Moreland be added to the Committee on Finance.

Upon the adoption of the resolution, the ayes and noes were demanded by the requisite number, with the following result:

Ayes—Messrs. Anderson, Bart, Carlock, Chase, Conger, Enos, Glascock, Gorman, Johnson, Kane, Nelson, Pool, Rowell, Ryan, Satterwhite, Wentzell, and West—17.

Noes—Messrs. Brown, Cheney, Davis, Dickinson, George, Hull, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Traylor, and Watson—14.

Resolution adopted.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the resolution was adopted.

By Mr. Enos:

Whereas, By the laws of this State the right of the Legislature to regulate and fix the rates to be paid for the use of water in the towns and cities of this State is said, whereas, by article fourth of the Constitution of this State the use of all water in this State is said, in that they have been so interpreted, "as to leave to the regulation and control of the State," and, whereas, it is provided by the Legislature to be interpreted as to whether water companies have complied with the laws and the constitution of the State in this respect, and also should be authorized if the interests of said companies have been legitimately and properly used, therefore, be it

Resolved by the Senate, the Assembly concurring, That a committee of three from the Senate be appointed by the President, with a like number from the Assembly, which shall investigate a suit brought to test the franchises to examine the books of the Water Company of the State, by contracting with the Spring Valley Company, of San Francisco, and report the result of their investigation for the benefit of the people of the State.

Mr. Dickinson moved to lay the resolution upon the table.

The ayes and noes were demanded by the requisite number, with the following result:

Ayes—Messrs. Anderson, Bart, Brown, Carlock, Cheney, Davis, Dickinson, George, Glascock, Hull, Johnson, Johnston, Lampson, Neumann, Pardee, Rowell, Traylor, Wentzell, and West—19.

Noes—Messrs. Chase, Conger, Enos, Gorman, Kane, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, Sears, and Watson—14.

Carried.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, February 11th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Senator Johnson announced that Senators Baker and Kelly were paired on Senate Bill No. 46, the former being in favor and the latter against the indefinite postponement of the same.

Leave of absence granted the Committee on Swamp and Overflowed Lands for one hour.

PETITIONS.

Mr. Traylor introduced a petition from the citizens of San Francisco, relative to the destruction of fish and game in the Bays of San Pablo, San Francisco, and Suisun.

Referred to the Committee on Fish and Game.

By Mr. Neumann—A petition from the Regents of the State University, requesting an appropriation for the use of the University.

Referred to the Committee on Education.

Also, a petition from the San Francisco Relief Society, requesting an appropriation for the use of said society.

Referred to Committee on Hospitals.

REPORTS OF STANDING COMMITTEES.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 11th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 20—An Act to protect the business rights of the citizens of this State—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, to whom was recommended Senate Bill No. 162—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

NYE, Chairman.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, February 11th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 192—An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California—have had the same under consideration, and a majority of said committee report the same back, and recommend its passage.

JOHNSON, for the majority.

By Mr. Nye—A minority report on Senate Bill No. 192, as follows:

MR. SPEAKER: The undersigned, a minority of the Judiciary Committee, respectfully dissent from the report of the majority of said committee recommending the passage of Senate Bill No. 192—entitled "An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California"—for the following reasons: Said Act provides for the expenditure of twenty thousand dollars for the transcription, merely, of said debates and proceedings, and further provides that when so transcribed the State shall embark in a book speculation, by publishing for sale one edition of the same, which will entail an additional expenditure, at the lowest calculation, of over thirty thousand dollars. In our judgment neither the State nor its people will derive any adequate benefit from this large outlay of public money. The provision that the volumes shall be sold at such rates as to reimburse the State for the cost of publication, we regard as merely delusive, since so expensive a publication would meet with no sale whatever. The plea that the debates would afford a guide for the construction of the Constitution can hardly be sustained, in view of the fact that in the first decided case the Supreme Court adopted a different construction from that indicated by the debates, and of the further well known rule of constitutional interpretation, that the language of the instrument must govern, and in cases of doubt it is the interpretation of the people who adopted it, and not that of its framers, which must prevail.

It was stated to the committee that the debates, etc., comprise one hundred thousand folios. These would make thirty volumes of eight hundred pages each, of the type and size of the fifty-third volume of California Reports. The total cost, including transcription, cannot fall short of fifty thousand dollars, and in our judgment is liable to far exceed that sum. Believing that so vast an outlay cannot be justified by any real or fancied benefits to be derived from it, we recommend that the bill do not pass.

J. F. WENDELL,
T. H. HITTELL,
S. G. NYE.

By Mr. Brown:

MR. PRESIDENT: The committee to whom was referred Substitute for Senate Bill No. 179, have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

BROWN, Chairman.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, February 11th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and find correctly enrolled Senate Concurrent Resolutions Nos. 9 and 10.

BURT, Chairman pro tem.

REPORT OF SELECT COMMITTEE.

By Mr. Wendell:

MR. PRESIDENT: The Conference Committee, appointed by the Senate to confer with a similar committee of the Assembly, in reference to the disagreement between the two Houses upon Senate amendments to Assembly Bills Nos. 31, 32, and 33, report that they concurred with the committee of the Assembly, and it was agreed by the two committees to recommend that the Assembly concur in Senate amendment number one, to each of Assembly Bills Nos. 31, 32, and 33, and that the Senate recede from Senate amendments numbers two and three, to each of Assembly Bills Nos. 31, 32, and 33, and this committee so recommend.

WENDELL, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 10th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February tenth, eighteen hundred and eighty, in accordance with the report of the Assembly Committee on Conference, upon Senate amendments to Assembly Bill No. 31—An Act to amend sections one thousand four hundred and eighteen and one thousand four hundred and nineteen of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to reprieves, commutations, and pardons.

Assembly Bill No. 32—An Act to amend sections seven hundred and thirty-seven, seven hundred and forty-six, seven hundred and forty-nine and seven hundred and fifty-three, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to impeachments.

And Assembly Bill No. 33—An Act to amend sections one thousand four hundred and seventy-five and one thousand five hundred and four of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the writ of habeas corpus.

Concurred in Senate amendment number one (1) to Assembly Bill No. 31, Senate amendment number one (1) to Assembly Bill No. 32, and Senate amendment number one (1) to Assembly Bill No. 33; and withers to its refusal to concur in Senate amendments numbers two (2) and three (3) to Assembly Bill No. 31, Senate amendments numbers two (2) and three (3) to Assembly Bill No. 32, and Senate amendments numbers two (2) and three (3) to Assembly Bill No. 33.

Also, that on February ninth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 62—An Act to declare valid writs, process, and certificates issued by the Superior Courts of this State, or the Clerks thereof, before such Courts shall have been legally provided with seals.

Also, that on February ninth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 203—An Act to provide for the taking of appeals from judgments or orders given or made in the Courts existing on and before the first day of January, eighteen hundred and eighty.

J. M. WRIGHT, Assistant Clerk.

Mr. Chase moved that the report of the Committee on Conference be taken up and adopted.

The ayes and noes were demanded by Messrs. Chase, Conger, and Hittell, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glasebrook, Gorman, Hittell, Johnson, Kane, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—26.

NOES—None.

Adopted.

Assembly Bill No. 62, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 203, above reported, read first time, and referred to the Judiciary Committee.

Also, the following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 11th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February tenth, eighteen hundred and eighty, passed Assembly Bill No. 84—An Act to provide for the organization of a Board of Railroad and Transportation Commissioners.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 84, above reported, read first time, and referred to the Committee on Corporations.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. West: Senate Bill No. 308—An Act to provide for the recovery of damages for death or injuries caused by the use of intoxicating liquors.

Read first time, and referred to the Committee on Public Morals.

By Mr. Burt: Senate Bill No. 309—An Act to amend sections one thousand and eighty-three, one thousand and ninety-five, one thousand one hundred and thirteen, one thousand one hundred and fifteen, one thousand one hundred and sixteen, one thousand one hundred and eighty-seven, one thousand two hundred and twenty-eight, one thousand two hundred and thirty, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three, of the Political Code, relative to registration and elections.

Read first time, and referred to the Committee on Elections.

By Mr. Traylor (by request): Senate Bill No. 310—An Act appropriating money for the relief of Mrs. Louisa Kohler.

Read first time, and referred to the Committee on Judiciary.

By Mr. Enos: Senate Bill No. 311—An Act to appropriate money to the California Artificial Stone Paving Company, to pay the balance due the company for laying down the stone walks and avenues about the Capitol grounds.

Read first time, and referred to the Committee on Claims.

By Mr. Nye (by request): Senate Bill No. 312—An Act providing for the payment to Anna E. Haight (executrix of the last will and testament of H. H. Haight, deceased) and to Stephen H. Philips, for professional services rendered the State of California by said H. H. Haight and said Philips as special counsel of the Commissioners of Transportation.

Read first time, and referred to the Judiciary Committee.

By Mr. Johnson: Senate Bill No. 313—An Act to provide for the management and control of the State Agricultural Society by the State.

Read first time, and referred to the Committee on Agriculture.

MOTION TO RECONSIDER.

Mr. Johnson, in accordance with the notice given by him yesterday, that he would, to-day, move a reconsideration of the vote whereby Senator Moreland was added to the Committee on Finance, now moved a reconsideration of the said vote.

Mr. Gorman moved to lay the motion to reconsider on the table, upon which the ayes and noes were demanded by Messrs. Johnson, Chase, and Enos, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Kane, Lampson, Langford, Nelson, Nye, Rowell, Ryan, Satterwhite, Wendell, and West—17.

NOES—Messrs. Brown, Cheney, Davis, Dickinson, George, Hittell, Johnson, Johnston, Neumann, Pardee, Pool, Sears, Traylor, Watson, and Zuck—15.

Carried.

INTRODUCTION AND FIRST READING OF BILLS—CONTINUED.

By Mr. Davis: Senate Bill No. 314—An Act to repeal section three thousand four hundred and thirty-two of the Civil Code, relating to debtors and creditors.

Read first time, and referred to the Judiciary Committee.

By Mr. Conger: Senate Bill No. 315—An Act to regulate the issuance of certificates of stock of corporations incorporated under the laws of this State.

Read first time, and referred to the Committee on Corporations.

By Mr. Johnson: Senate Bill No. 316—An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities, now in the State Treasurer's office and not otherwise appropriated.

Read first time, and referred to the Committee on Claims.

By Mr. Moreland: Senate Bill No. 317—An Act to amend section one thousand seven hundred and twenty-six of the Code of Civil Procedure, relating to the duties of Public Administrators.

Read first time, and referred to the Judiciary Committee.

By Mr. Anderson: Senate Bill No. 318—An Act for the relief of purchasers of State lands.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Langford: Senate Bill No. 319—An Act to provide for the establishment of salmon hatching works on some tributary of the San Joaquin River, and to make an appropriation therefor.

Read first time, and referred to the Committee on Fish and Game.

By Mr. Enos: Senate Bill No. 320—An Act to provide for the compensation of Principals, Vice-Principals, and teachers of common schools in the City and County of San Francisco.

Read first time, and referred to Committee on Education.

SECOND READING OF BILLS.

Senate Bills Nos. 132 and 231, on motion of Mr. Sears, referred to the Judiciary Committee.

Mr. Traylor moved that all bills now referred to the Committee on Claims be referred to the Judiciary Committee.

Mr. West moved, as an amendment, that the Judiciary Committee be instructed to consider only the constitutionality of such claims.

Lost.

The question recurring upon the original motion, it was declared lost.

REPORT.

By Mr. Cheney:

SENATE CHAMBER, February 11th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Joint Resolution No. 2.

CHENEY, Chairman.

Senate Joint Resolution No. 2—Relative to free coinage of silver: making all gold and silver coins equally a legal tender; retiring all national bank notes, and replacing them with treasury notes receivable for all public dues.

Mr. Davis moved to make the resolution the special order for Monday at one o'clock and thirty minutes P. M.

Lost.

Resolution read third time, and lost by the following vote:

AYES—Messrs. Anderson, Chase, Conger, Enos, Gorman, Johnson, Johnston, Kane, Moreland, Nelson, Pardee, Rowell, Ryan, Satterwhite, and West—15.

NOES—Messrs. Burt, Brown, Cheney, Davis, Dickinson, George, Glascock, Hittell, Lampson, Langford, Neumann, Nye, Pool, Sears, Traylor, Watson, Wendell, and Zuck—18.

RECESS.

At eleven o'clock and thirty-seven minutes A. M., on motion of Mr. Davis, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Langford, Moreland, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck.

Quorum present.

Mr. Carlock granted one day's leave of absence.

SPECIAL ORDER.

Senate Bill No. 63, special order for one o'clock and thirty minutes P. M., on motion of Mr. Johnson, was made the special order for Wednesday, February eighteenth, at one o'clock and thirty minutes P. M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, FEBRUARY 11th, 1880.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day appointed Thos. E. Ketchum, Brigadier-General, Third Brigade, N. G. C., vice CANAVAN, removed.

Also, John McComb, Brigadier-General, Second Brigade, N. G. C., vice himself, term expired.

Also, appointed as members of the Board of Pilot Commissioners, for the Ports of San Francisco, Mare Island, and Benicia, E. W. Travers, of San Francisco, vice Galloway, term expired; Cory Willisstun, of San Francisco, vice Badger, term expired, and respectfully ask the concurrence of your honorable body thereto.

GEO. C. PERKINS, Governor.

The Governor's message now taken up.

The Senate considered as in executive session for the purpose of considering the appointments of the Governor in their order.

Upon the question, "Will the Senate advise and consent to the appointment of Thomas E. Ketchum, Brigadier-General, Third Brigade, N. G. C., vice Canavan, removed?" the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Moreland, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—25.

NOES—None.

Whereupon the President announced the appointment of Thos. E. Ketchum, as Brigadier-General, Third Brigade, N. G. C., duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John McComb, as Brigadier-General, Second Brigade, N. G. C., vice himself, term expired?" the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Hittell, Johnson, Johnston, Kane, Moreland, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

NOES—Mr. Gorman—1.

Whereupon the President announced the appointment of John McComb, as Brigadier-General, Second Brigade, N. G. C., duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of E. W. Travers, as a member of the Board of Pilot Commissioners for the Ports of San Francisco, Mare Island, and Benicia, vice Galloway, term expired?" the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Moreland, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—25.

NOES—None.

Whereupon the President announced the appointment of E. W. Travers, as member of the Board of Pilot Commissioners for the Ports of San Francisco, Mare Island, and Benicia, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Cory Willisstun, as a member of the Board of Pilot

Commissioners for the Ports of San Francisco, Mare Island, and Benicia, vice Badger, term expired?" the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Moreland, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—25.

NOES—None.

Whereupon the President announced the appointment of Cory Willisstun, as a member of the Board of Pilot Commissioners for the Ports of San Francisco, Mare Island, and Benicia, duly confirmed.

REPORT.

By Mr. Cheney:

SENATE CHAMBER, SACRAMENTO, February 11th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bill, viz.: Senate Bill No. 6—An Act to prohibit the employment of Chinese by corporations.

CHENEY, Chairman.

On motion of Mr. Cheney, Senate Bill No. 6, above reported, was made the special order for to-morrow, at ten o'clock and thirty minutes A. M.

ADJOURNMENT.

At one o'clock and forty-five minutes P. M., on motion of Mr. Wendell, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 12th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Enos rose to a question of privilege, stating that he was reported as having voted for Senate Bill No. 129, and rose for the purpose of denying the same.

PETITIONS.

By Mr. Neumann:

SAN FRANCISCO, CALIFORNIA, February 10th, 1880.

To the Honorable Senate of California:

We beg leave to submit for your consideration the following report, viz.: That we are now maintaining, in the Protestant Orphan Asylum of this city, thirty-five whole orphans and one

hundred and ninety-two half orphans: that it is only with the strictest economy that we are able to maintain our institution with the assistance we receive from the State, and from our charitably inclined citizens. Wherefore, we most sincerely hope that you may fully realize the importance of maintaining our, as well as other orphan asylums of the State, in their present usefulness, which it would be impossible to do with a less appropriation than we have been receiving during the past few years.

Respectfully submitted.

MARY E. KEENEY, President,
MARY P. MACRELLISH, Secretary,
Protestant Orphan Asylum, San Francisco.

Referred to the Committee on Hospitals. By Mr. Brown:

To the Honorable W. H. Brown, Senator of El Dorado County:

WHEREAS, A bill to reduce telegraphic rates has been introduced in the Senate, and if said bill should become a law it will necessarily close this office, and deprive a large community of telegraphic communication, we, your constituents, would respectfully and earnestly ask that you oppose the passage of said Act.

EL DORADO, EL DORADO COUNTY, CAL., February 2d, 1880.

HIRSCH & COBLENTZ,
R. K. HAVEY,
W. A. SHAW,
W. C. L. DREW,
I. B. RICHARDSON,
M. DREW,
CHAS. H. PAREY,
W. S. COOK,
L. F. WILLIAMS,
C. FORNI,
A. STAPLES,
R. W. H. SWENDT,
J. A. FISHER.

E. DUCKWORTH,
G. S. WILSEN,
J. NICHOLS,
WM. YEADON,
J. W. MILLER,
D. COBLENTZ,
H. ROBERTS,
JOSEPH NOE,
THOS. A. GALT,
J. C. HEALD,
JOHN J. DEAN,
NOAH WHEELER,
L. R. POUNDSTONE.

Referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 54—An Act to provide for the organization of a Board of Railroad and Transportation Commissioners.

Also, Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners.

Also, Assembly Bill No. 84—An Act to provide for the organization of a Board of Railroad and Transportation Commissioners.

Have had the same under consideration, and report the same back to the Senate, and recommend the passage of Senate Bill No. 84, with amendments, as a substitute for all these bills.

SEARS, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 22—An Act prohibiting savings banks, or savings and loan societies, and the attorneys, counselors, and other employees thereof, from charging borrowers for searching or passing upon the title to property mortgaged to such banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 2—An Act to prevent the accumulation of large landed estates—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 270—An Act to amend section two thousand nine hundred and forty-one of the Civil Code—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 279—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, relating to the use of opium—and report back the same with amendments, and recommend its passage as amended.

Also, Senate Bill No. 282—An Act to enforce the provisions of section three, of article twelve, of the Constitution—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 281—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons—report the same back, and recommend its passage.

Also, Assembly Concurrent Resolution No. 12—Relative to the appointment of a joint committee to confer with I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, as to the work they have performed in revising the Codes—report the same back, and recommend that it be adopted.

Also, Senate Resolution No. —A "resolution for a Committee of Inquiry"—report the same back, and recommend that it be not adopted.

Also, Senate Bill No. 76—An Act to amend section three thousand three hundred and fifty-nine of the Political Code—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 81—An Act to amend section one thousand one hundred and twenty of the Code of Civil Procedure—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 88—An Act to amend section one thousand one hundred and eighteen of the Code of Civil Procedure—and report the same back, and recommend that it be indefinitely postponed, as it is identical with section three of Senate Bill No. 152, already passed by the Senate.

Also, Senate Bill No. 89—An Act providing a punishment for violating section seventeen, of article eleven, of the Constitution—and report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 258—An Act to establish a simple and inexpensive system of procedure in civil cases—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 285—An Act to amend sections seven hundred and sixty-three and nine hundred and thirty-nine of the Code of Civil Procedure, relating to proceedings in partition and appeals therefrom—and report the same back with amendments, and recommend its passage as amended.

NYE, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred the following claims for interest on the amount of the various claimants' certificates of amounts due them for work, labor, and services and materials furnished by them in the construction and erection of the Napa State Asylum for the Insane, have had the same under consideration, and beg leave to report and recommend that the claims be rejected. The following is a list of said claims, viz.:

NAME.	Amount.
Robert Ewing-----	\$5,028 59
Electrical Construction and Maintenance Company-----	728 87
Adams & Company-----	646 42
Geo. J. Moshersole-----	179 04
E. L. Mayberry-----	5,835 97
Jas. Hunter & Company-----	697 44
Cox & Colby-----	2,253 74
Cox & Warren-----	1,901 70
W. W. Montague & Company-----	867 16
H. H. Knapp-----	1,405 92
W. F. Wilson & Company-----	1,671 11
Baker, Smith & Company-----	4,765 06
Noble & Gallagher-----	2,775 73

TRAYLOR, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred the claim of the Frear Stone Company, for interest on certificates of amounts due, and for statutory furnished to the Napa State Asylum for the Insane, have had the same under consideration, and report the same back, and recommend the adoption of the following resolution:

Resolved, That the claim of the Frear Stone Company be and the same is hereby referred to the Board of Trustees of the Napa State Asylum for the Insane for adjustment, they being the proper parties to determine as to its validity.

TRAYLOR, Chairman.

Also :

SENATE CHAMBER, SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred the claims of P. J. O'Connor and Wright & Sanders, for services rendered in connection with the Napa State Insane Asylum, have had the same under consideration, and report the same back and recommend that the claims be rejected.

TRAYLOR, Chairman.

By Mr. Hittell—Minority report from the Judiciary Committee :

SENATE CHAMBER, SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 2, "to prevent the accumulation of large landed estates," dissent from the majority, and recommend that the bill do not pass.

It provides that no person shall will or devise more than six hundred and forty acres of agricultural land, without any reference to the value of the land or the number of persons among whom he may wish to distribute it. Such a law would practically prevent the farmers of California from making such division of their property as they might desire, while merchants and miners, and in fact all other persons in the State, would be allowed to distribute their property as they pleased. The bill is, in effect, a restraint upon the power of devise, leveled against the farmers as a class. It embraces and enforces a principle fit only for the communists of France—a principle which never yet has found, and which we trust never will find, a footing on American soil.

THEODORE H. HITTELL.

The undersigned concurs in the recommendation that the amended bill do not pass, deeming that it affords no practical relief for the present evil of land monopoly, and is merely an irritating restraint upon the power to devise. It permits the inheritance of land without limit, and only restricts the power to devise the same. It compels the land to go to the heirs irrespective of the wishes of the owner, and is merely an Act for the benefit of heirs at the expense of devisees.

J. F. WENDELL.

Also :

SENATE CHAMBER, SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 22, providing for the appointment and payment of attorneys for banks and savings and loan societies, and prohibiting such banks and societies and their attorneys and employes from charging borrowers for searching and passing upon titles to property mortgaged, beg leave to report that they dissent from the action of the majority, and recommend that the bill do not pass.

They submit that the bill is open to many objections, and among them :

1. That it throws the costs and expenses of searches and examinations of titles upon depositors, instead of borrowers, who are the proper parties to bear them.

2. That, as borrowers go to savings and loan societies to procure money because they can get it there cheaper than from other parties, if the business of such societies is hampered, as proposed, and they are thereby compelled to raise their rates, a great injury will be caused to all classes.

3. That it is impossible to tell, in advance, what the work of an attorney for a savings and loan society may be; and there can, therefore, be no just criterion for the ascertainment of what amount of salary should be paid.

4. That, under such an Act, the depositors would have to pay for searches and examinations of abstracts in cases of defective titles, where no loans would be made, as well as in cases of accepted titles where loans were effected.

5. That, under such an Act, any person who desired to have a title passed upon without expense to himself, would be easily able to accomplish his purpose by making an application for a loan and then declining to take it.

6. That the law, if the bill should be passed, would seriously injure the working classes, of whom the depositors in the savings and loan societies are mainly composed, by lowering their dividends, and, in fact, practically depriving them of a safe and convenient means of investing their earnings.

There are other reasons why the bill should not become a law; but want of time prevents any further or fuller statement of objections at present. While we would be in favor of preventing extortionate charges for searches and examinations of titles, we deem the bill in question ill-advised, and that its effects, if passed into a law, could not be other than bad.

THEODORE H. HITTELL.

The undersigned concurs in the recommendation that the bill do not pass, for the reason that, while in favor of such legislation as will compel the banks to charge borrowers no more than

the actual expense to them of the services mentioned, the bill in question throws the entire expense upon them and compels the lender, alone, to pay for services rendered for the exclusive benefit of the borrower.

J. F. WENDELL,
E. A. DAVIS.

By Mr. Johnston:

MR. PRESIDENT: The Committee on Swamp Land, to whom was referred Senate Bill No. 191, have had the same under consideration, and report the same back, and recommend its passage.

JOHNSTON, Chairman.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Johnson: Senate Bill No. 321—An Act making an appropriation for the improvement of L Street, between Tenth and Fifteenth Streets, in the City of Sacramento, County of Sacramento, State of California.

Read first time, and referred to the Committee on Finance.

By Mr. Conger: Senate Bill No. 322—An Act to prevent officers of mining corporations from being interested in contracts, milling of ores, furnishing supplies, or performance of work or any business of the corporation.

Read first time, and referred to the Committee on Mines and Mining.

GENERAL FILE.

Senate Bill No. 20—An Act to protect the business rights of the citizens of this State.

Mr. Hittell moved to indefinitely postpone the bill.

SPECIAL ORDERS AT TEN O'CLOCK AND THIRTY MINUTES A. M.

Senate Bill No. 6—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections one hundred and seventy-eight and one hundred and seventy-nine, prohibiting the employment of Chinese by corporations.

The hour having arrived for the consideration of the above special order, the same was taken up for consideration.

Mr. Hittell moved to indefinitely postpone the bill.

During the discussion of the same, at eleven o'clock A. M., the hour for the consideration of special order, Senate Bills Nos. 13, 14, 15, 16, 17, 18, 64, and 65, having arrived, on motion of Mr. Johnson, the same was continued until after the disposition of the special order under consideration.

Mr. Rowell moved to recommit the bill to the Judiciary Committee with instructions to amend.

Lost.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hittell, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Further discussion of Senate Bill No. 6.

Mr. Dickinson moved to recommit to the Judiciary Committee with special instructions.

Upon which the ayes and noes were demanded by Messrs. Neumann, Enos, and Wendell, with the following result:

AYES—Messrs. Dickinson, Hittell, and Johnston—3.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Glascock, Gorman, Johnson, Kane, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—29.

Lost.

Mr. Neumann announced that, upon the passage of Senate Bill No. 6, he was paired with Senator Conger—the former being against, and the latter in favor of the passage of the same.

The question now recurred upon the motion to indefinitely postpone the bill, upon which the ayes and noes were demanded by Messrs. Neumann, Chase, and Hittell, with the following result:

AYES—Messrs. Dickinson and Hittell—2.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Glascock, Gorman, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—30.

Lost.

The question now recurred upon the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Glascock, Gorman, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—30.

NOES—Messrs. Dickinson and Hittell—2.

The title was then read, and the same approved as read.

REPORT.

By Mr. Cheney:

SENATE CHAMBER, February 12th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz: Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

Senate Concurrent Resolution No. 15—Relative to railroad companies and land patents.

Senate Bill No. 277—An Act to amend section four of an Act entitled an Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes, approved March twentieth, eighteen hundred and seventy-eight.

CHENEY, Chairman.

By leave, Mr. Glascock introduced out of order: Senate Bill No. 323—An Act to add a new section to the Political Code, to be numbered section three thousand four hundred and ninety-one, relative to the election of Trustees of reclamation districts, and their term of office.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Johnson moved to make the special order for eleven o'clock A. M., to-day, the special order for eleven o'clock A. M., to-morrow.
Carried.

ADJOURNMENT.

At three o'clock and fifty-two minutes P. M., on motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 13th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Satterwhite, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Dickinson:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 236—An Act concerning the Board of State Harbor Commissioners—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

DICKINSON, Chairman.

By Mr. Burt:

SENATE CHAMBER, February 13th, 1880.

MR. PRESIDENT: Your Committee on Public Morals beg leave to report that they have had under consideration Senate Bill No. 263—have amended the same, and report it back, recommending its passage.

Also, Senate Bill No. 306—have amended the same, and recommend its passage as amended.

Also, Senate Bill No. 307, and report the same back recommending its passage.

Also, Senate Bill No. 301, and report the same back with the recommendation that it be indefinitely postponed.

BURT, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, February 11th, 1880. }

To the Senate of the State of California:

I have the honor to transmit to your honorable body the Report of the Bank Commissioners. I respectfully ask that the Assembly may be notified of its receipt.

GEO. C. PERKINS, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February eleventh, eighteen hundred and eighty, passed Assembly Bill No. 36—An Act to amend sections sixty-nine, seventy, eighty, one hundred and thirty-seven, two hundred and twenty-six, two hundred and forty-three, two hundred and forty-four, two hundred and forty-nine, two hundred and fifty-three, two hundred and fifty-eight, two hundred and sixty-five, two hundred and seventy-three, five hundred and ninety-three, five hundred and ninety-six, five hundred and ninety-eight, six hundred and two, one thousand two hundred and forty-one, one thousand two hundred and forty-five, one thousand two hundred and forty-seven, one thousand two hundred and sixty-five, one thousand three hundred and sixty-three, one thousand three hundred and sixty-four, two thousand two hundred and eighty-three, two thousand two hundred and eighty-seven, and two thousand two hundred and eighty-nine, of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, conferring upon the Superior Courts, their Judges or officers, the jurisdiction and authority heretofore exercised, in certain cases, by the Courts abolished by the Constitution, their Judges or officers.

Also, that on February eleventh, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 190—An Act to amend sections two hundred and four, two hundred and six, two hundred and nine, two hundred and eleven, two hundred and fifteen, two hundred and fourteen, two hundred and nineteen, and two hundred and forty-one, and to repeal sections two hundred and sixteen, two hundred and seventeen, and two hundred and eighteen, of the Code of Civil Procedure of this State, in relation to the selection and drawing of jurors.

Also, that on February eleventh, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 279—An Act to declare the Mokelumne River navigable.

Also, that on February eleventh, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 43—An Act to amend sections one thousand and one hundred and eighty, and one thousand one hundred and eighty-one of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to the proof and acknowledgment of instruments.

J. M. WRIGHT, Assistant Clerk.

Assembly Bills Nos. 36, 190, and 43, above reported, each read first time, and referred to the Judiciary Committee.

Assembly Bill No. 279, above reported, read first time, and referred to the Committee on Commerce and Navigation.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Pool: Senate Bill No. 324—An Act to provide for the settlement of the indebtedness created by the survey of the "West Side Irrigation District," and to make an appropriation to pay the same.

Read first time, and referred to the Committee on Claims.

By Mr. Johnson (by request): Senate Bill No. 325—An Act to amend section five hundred and forty-four of the Code of Civil Procedure of the State of California, in relation to attachments.

Also (by request): Senate Bill No. 326—An Act to amend section five hundred and forty-three of the Code of Civil Procedure of the State of California, in relation to attachments.

Also (by request): Senate Bill No. 327—An Act to amend section five hundred and thirty-seven of the Code of Civil Procedure, in relation to attachments.

Each of the above bills read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 328—An Act to empower and direct the Trustees of Levee District Number One of Sacramento County, to pay certain indebtedness outstanding against the Swamp Land District No. 287, contracted for repairs upon levee.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

Also: Senate Bill No. 329—An Act to provide for the compensation of the officers and persons performing duties and incurring expense under "An Act to create a drainage district to be called the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

By Mr. Hittell: Senate Bill No. 330—An Act to amend section seven hundred and thirty-nine of the Code of Civil Procedure, relating to actions to determine conflicting claims to real property.

Also: Senate Bill No. 331—An Act to amend section one thousand two hundred and forty-one of the Civil Code, relating to homesteads.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Langford: Senate Bill No. 332—An Act to provide for the construction, maintenance, and regulation of fisheries.

Read first time, and referred to the Committee on Fish and Game.

By Mr. George: Senate Bill No. 333—An Act to amend the Civil Code, to provide for the redemption of stock sold for assessments delinquent.

Read first time, and referred to the Committee on Corporations.

By Mr. Davis: Senate Bill No. 334—An Act to amend an Act entitled an Act to organize a levee district in Yuba, Sutter, and Placer Counties, and to provide for the construction, maintenance, and repair of levees therein, approved March thirtieth, eighteen hundred and seventy-eight, relating to its boundaries and officers.

Read first time, and referred to the Judiciary Committee.

By Mr. Neumann: Senate Bill No. 335—An Act providing for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing at the Presidio.

Read first time, and referred to the San Francisco delegation.

GENERAL FILE.

Senate Bill No. 20—An Act to protect the business rights of the citizens of this State.

Mr. Hittell renewed his motion of yesterday, to indefinitely postpone the bill.

The hour for consideration of the special order of eleven o'clock A. M., having arrived, the same, on motion of Mr. Johnson, was passed temporarily.

Upon the motion to indefinitely postpone Senate Bill No. 20, the ayes and noes were demanded by Messrs. Wendell, Johnson, and Hittell, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, George, Glascock, Hittell, Johnson, Johnston, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—27.

NOES—Messrs. Enos, Kane, and Neumann—3.

Carried.

SPECIAL ORDERS AT ELEVEN O'CLOCK A. M.

Senate Bill No. 13—An Act for the relief of John Hoagland.

Senate Bill No. 14—An Act for the relief of John Reid.

Senate Bill No. 15—An Act for the relief of Wm. B. Todhunter.

Senate Bill No. 16—An Act for the relief of Mrs. Mary W. G. Van Arsdall.

Senate Bill No. 17—An Act for the relief of George Cooper.

Senate Bill No. 18—An Act for the relief of Mrs. Rebecca C. Hoagland.

Senate Bill No. 64—An Act for the relief of Henry Lienberger.

Senate Bill No. 65—An Act for the relief of Green and Trainer.

Senate Bill No. 13.

Mr. Wendell moved to indefinitely postpone the same.

The ayes and noes were demanded by Messrs. Wendell, Johnson, and Sears, and the motion lost by the following vote:

AYES—Messrs. Burt, Chase, Cheney, Davis, George, Glaseock, Hittell, Lampson, Moreland, Nye, Rowell, Sears, Wendell, West, and Zuck—15.

NOES—Messrs. Anderson, Brown, Carlock, Dickinson, Enos, Gorman, Johnson, Johnston, Kane, Neumann, Pool, Ryan, Satterwhite, Traylor, and Watson—15.

Mr. Nye moved to recommit all the bills to the Committee on Claims, they being all of the same nature.

Carried.

GENERAL FILE CONTINUED.

Senate Bill No. 162—An Act to amend sections one thousand two hundred and forty-three, one thousand two hundred and forty-four, and one thousand two hundred and fifty-four, of the Code of Civil Procedure, relating to eminent domain.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Hittell moved to amend section two by striking out of subdivision four thereof the words "surveys and maps," and insert instead thereof the words "a map."

Adopted.

Amendment adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 192—An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Mr. Baker introduced the following bill out of order:

Senate Bill No. 336—An Act to provide for the erection of a building for the use of the Normal School.

Read first time, and referred to the Committee on Public Buildings.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Taylor, Watson, Wendell, West, and Zuck.

Quorum present.

GENERAL FILE—CONTINUED.

Senate Bill No. 179—An Act entitled an Act to amend section five hundred and fourteen of title five, part four, of the Civil Code, concerning wagon road corporations.

Mr. Glascock moved that the substitute, as reported by the committee, be printed, and that the bill go to the general file for to-morrow.

Lost.

Senate considered as in Committee of the Whole.

Substitute read, adopted, and ordered engrossed.

Assembly Concurrent Resolution No. 14—Relative to the establishment of a postal telegraph system throughout the United States.

Read second time.

Senate considered as in Committee of the Whole, and resolution ordered on the general file.

Assembly Concurrent Resolution No. 15—Relative to the protection of the rivers, cities, and agricultural lands of California.

Read second time.

Senate considered as in Committee of the Whole, and resolution ordered on the general file.

Senate Bill No. 84—Substitute for Senate Bill No. 54, and Assembly Bill No. 84, as reported by the Committee on Corporations, on motion of Mr. Sears, ordered printed, and made the special order for Monday at two o'clock P. M.

Senate Bill No. 22—Passed on the file.

Senate Bill No. 2—Passed on the file.

Senate Bill No. 270—An Act to amend section two thousand nine hundred and forty-one of the Civil Code.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 279—Passed on the file.

Leave of absence for one hour granted the Committee on Irrigation, Water Rights, and Drainage.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, SACRAMENTO, February 13th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February thirteenth, eighteen hundred and eighty, passed Senate Bill No. 6—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections one hundred and seventy-eight and one hundred and seventy-nine, prohibiting the employment of Chinese by corporations.

J. M. WRIGHT, Assistant Clerk.

GENERAL FILE—RESUMED.

Senate Bill No. 282—An Act to enforce the provisions of section three, of article twelve, of the Constitution.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 281—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Assembly Concurrent Resolution No. 12—Relative to the appointment of a joint committee to confer with I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, as to the work they have performed in revising the Codes.

Read, concurred in, and ordered on the general file.

Senate Resolution No. ———Relative to a Committee of Inquiry concerning expenditures for new City Hall in San Francisco.

On motion of Mr. Dickinson, it was indefinitely postponed.

Senate Bill No. 76—An Act to amend section three thousand three hundred and fifty-nine of the Political Code.

On motion of Mr. Ryan, the bill was recommitted to the Committee on County and Town Governments.

On motion of Mr. Johnston, Senate Bills Nos. 81, 88, 89, and 258, passed temporarily on the file.

Mr. Pardee granted leave of absence for rest of day on account of sickness.

Senate Bill No. 285—An Act to amend sections seven hundred and sixty-three and nine hundred and thirty-nine of the Code of Civil Procedure, relating to proceedings in partition and appeals therefrom.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 191—An Act to repeal an Act entitled "An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government," approved April first, eighteen hundred and seventy-eight.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

THIRD READING OF BILLS.

Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

On motion of Mr. Dickinson the same was made the special order for Monday, at three o'clock P. M.

Senate Concurrent Resolution No. 15—Passed on the file.

Senate Bill No. 277—Passed on the file.

Mr. Hittell moved that when the Senate do adjourn, that it adjourn until Monday at two o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Zuck, Burt, and Moreland, with the following result:

AYES—Messrs. Chase, Cheney, Hittell, Johnson, Satterwhite, Traylor, Watson, and Wendell—8.
 NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Davis, Dickinson, George, Glascock, Gorman, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, West, and Zuck—23.

Lost.

REPORTS.

By Mr. Johnston:

MR. PRESIDENT: The committee to whom was referred Senate Bill No. 245, have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

JOHNSTON, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of stock thereof and electing other officers—have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 226—An Act to amend section one thousand five hundred and eighty-six of the Penal Code, relating to transportation of convicts to State Prisons—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 227—An Act to amend section two thousand two hundred and twenty-one of the Political Code, relating to transportation of insane persons to Asylums—and report the same back with amendments, and recommend its passage as amended.

NYE, Chairman.

By Mr. Johnson (for Mr. Pardee) from the Committee on Finance:

SACRAMENTO, February 12th, 1880.

MR. PRESIDENT: Your committee beg leave to report that they have had under consideration Senate Bill No. 254—An Act granting relief to taxpayers where lands have been sold to the State—and would respectfully recommend its passage.

Also, Senate Bill No. 298—An Act to authorize the Boards of Supervisors of the several counties of this State to transfer certain funds—and respectfully recommend its passage.

And, your committee also beg leave to report that they have considered a memorial from certain citizens of the City and County of San Francisco, in reference to matters connected with the government of that city, and respectfully recommend that the said memorial be referred to the San Francisco delegation.

PARDEE, Chairman.

Recommendation, on motion of Mr. Johnson, concurred in.

By Mr. Johnson:

SACRAMENTO, February 13th, 1880.

MR. PRESIDENT: The Committee on Chinese and Chinese Immigration, to whom was referred Senate Bill No. 107—An Act relating to and defining to whom licenses shall not be issued—report it back, recommending that it do not pass, as Senate Bill No. 218, already passed, covers the provisions contained in this bill.

Also, Senate Concurrent Resolution No. 14—Relative to modification of Burlingame Treaty to memorialize the President and Congress of the United States—report the same back, recommending its passage.

Also, Senate Bill No. 283—An Act to confer power upon incorporated cities and towns to remove Chinese without the limits of such cities and towns, or to provide for their location within prescribed portions of those limits—and report the same back, recommending its passage.

Also, accompanying said bill, the petition and resolutions from the Trustees of Nevada City—and respectfully report the same back to the Senate, and state that the request has been complied with by the provisions of Senate Bill No. 283, hence they recommend that said petition and resolutions be duly filed.

GROVE L. JOHNSON, Chairman.

RESOLUTIONS.

By Mr. Sears:

Resolved, That the Postmaster of the Senate be and he is hereby instructed and directed to take all mail matter from the Senate delivery box at ten o'clock p. m. daily, and deliver the same at the post-office in this city.

Adopted.

By Mr. Neumann: Senate Concurrent Resolution No. 19—Relative to establishing closer commercial intercourse by reciprocity treaties with Mexico, Guatamala, Costa Rica, San Salvador, Honduras, and Nicaragua.

Read first time, and referred to the Committee on Federal Relations.

By Mr. Rowell: Senate Joint Resolution No. 4—Relating to the Southern Pacific Railroad Company.

Read first time, and referred to the Committee on Federal Relations.

Mr. Johnson introduced the following bill out of order:

Senate Bill No. 337—An Act to amend section four thousand one hundred and nine of the Political Code, relative to the terms of county officers.

Read first time, and referred to the Committee on Judiciary.

Mr. Traylor renewed the motion of Mr. Hittell that when the Senate adjourn it adjourn until Monday at two o'clock p. m.

Mr. Dickinson moved to amend by moving that the Senate do now adjourn.

Carried.

ADJOURNMENT.

At three o'clock p. m. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 14th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Emos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Leave of absence for one day granted Messrs. Hittell and Traylor.

REPORTS OF STANDING COMMITTEES. *

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 11—Relative to the establishment of a Dead Letter Office at San

Francisco—would respectfully report that they have had the same under consideration, and report the same back with the recommendation that it be adopted.

BAKER, Chairman.

By Mr. Johnson :

SENATE CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, and Drainage, to whom was referred Senate Bill No. 211—An Act to amend section one thousand four hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors—have considered and amended the same, and report it back, recommending its passage as amended.

JOHNSON, Chairman.

By Mr. Neumann (minority report):

MR. PRESIDENT: The minority of your Committee on Irrigation, Water Rights, and Drainage, respectfully submit the following report upon Senate Bill No. 211—entitled an Act to amend section one thousand four hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors. That the amendments proposed in said bill are against public policy and will in their operation work injustice and oppression, and recommend the indefinite postponement of the bill, No. 211.

PAUL NEUMANN,
D. M. POOL,
W. H. BROWN.

By Mr. Johnson :

SENATE CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, and Drainage, to whom was referred Senate Bill No. 212—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure, in relation to taking private property for public use—have considered the same, and report it back, with the recommendation that it be referred to the Committee on Judiciary.

JOHNSON, Chairman.

On motion of Mr. Johnson recommendation concurred in.

By Mr. Rowell:

MR. PRESIDENT: Your Committee on Hospitals, to which was referred Senate Bill No. 156, relating to the practice of medicine in the State of California, herewith report the same back to the Senate, and recommend its indefinite postponement.

ROWELL, Chairman.

February 14th, 1880.

By Mr. Hudson (minority report):

SENATE CHAMBER, SACRAMENTO, February 15th, 1880.

MR. PRESIDENT: As one of the Committee on Hospitals, I beg leave to offer a minority report on Senate Bill No. 156, whereas there are several features in the law regulating the practice of medicine which are believed to be unconstitutional, which Bill No. 156 is designed to remove. Further, it is believed if this bill had been referred to the Judiciary Committee it would have received a favorable report, whereby a more just statute may be enacted.

A. T. HUDSON.

Also:

SENATE CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and find correctly enrolled, Senate Bill No. 6.

HUDSON, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 13th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 44—An Act to distinguish the kinds of labor employed in the manufacture of goods—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 73—An Act to amend the Civil Code with respect to the measure of damages in certain cases—report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 78—An Act to pay the claim of Hiram Clock for services rendered as

Porter to the Senate at the twenty-second session—report the same back, and recommend its passage.

Also, Senate Bill No. 79—An Act to pay the claim of James Saulty for services rendered as Head Porter of the Senate of the twenty-second session—and report the same back, and recommend its passage.

Also, Senate Bill No. 80—An Act to nullify and disaffirm certain resolutions and orders of the Board of Supervisors of the City and County of San Francisco, whereby railroad franchises have been granted—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 30—An Act to repeal section one thousand two hundred and twenty-two of the Code of Civil Procedure, relating to judgments and orders in cases of contempt—report the same back, and recommend its passage.

Also, Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 121—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Oakland,' passed March twenty-sixth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city," approved April twenty-fourth, eighteen hundred and sixty-two—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed, as it is unconstitutional.

Also, Senate Bill No. 183—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one, of the Political Code, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six, of said Code, providing for a duplicate assessment book—and report the same back, and recommend its passage.

Also, Senate Bill No. 205—An Act to define the meaning of certain terms used in section three thousand four hundred and forty of the Political Code—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 251—An Act to provide for funding the indebtedness of counties having more than seven thousand inhabitants—and report the same back as constitutional, and recommend that it be referred to the Committee on County and Township Governments.

Also, Senate Bill No. 91—An Act to repeal an Act entitled an Act supplemental to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplemental thereto, approved March thirty-first, eighteen hundred and seventy-six—have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 187—An Act to amend an Act entitled "An Act for the relief of insolvent debtors and protection of creditors," approved May fourth, eighteen hundred and fifty-two, and also an Act to amend an Act entitled "An Act supplementary to an Act for the relief of insolvent debtors and protection of creditors," approved May fourth, eighteen hundred and fifty-two, and the Act amendatory thereof and supplementary thereto, approved March thirty-first, eighteen hundred and seventy-six—and recommend that it do not pass.

Also, Senate Bill No. 70—An Act to confer certain powers upon the Board of Auditors of El Dorado County—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 170—An Act to amend sections two hundred and seventy-five, two hundred and seventy-six, and two hundred and eighty-seven, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to attorneys and counselors at law—and report the same back, and recommend that it be indefinitely postponed, as Senate Bill No. 118, already passed by the Senate, provides for the provisions of this bill.

NYE, Chairman.

By Mr. Davis (minority report):

SENATE CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: The undersigned dissent from the report of the majority of the Judiciary Committee in their recommendation of passage of Assembly Bill No. 30—An Act to repeal section one thousand two hundred and twenty-two of the Code of Civil Procedure, relating to judgments in cases of contempt.

In our opinion no appeal, or proceeding in the nature of an appeal, should be allowed in cases of contempt of Court. We believe the law as it now exists to be right. The respect which is due at all times to a judicial tribunal can only with certainty be maintained by clothing such tribunal with the power to punish with certainty, and in a summary way, all persons who attempt to set its authority at defiance.

E. A. DAVIS,
J. H. DICKINSON.

By Mr. Johnson (minority report):

SENATE CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: The undersigned dissents from the report of the majority of the Judiciary Committee in recommending that Senate Bill No. 121—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Oakland,' passed March twenty-sixth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city," approved April twenty-fourth, eighteen hundred and sixty-two—do not pass, on the ground that, as stated by the majority, said bill is unconstitutional.

Section one, of article twenty-two, of the Constitution provides that "all laws in force at the adoption of this Constitution not inconsistent therewith shall remain in full force and effect until altered or repealed by the Legislature." In this section the Constitution clearly delegates the power to the Legislature to amend all laws in force prior to the time of the Constitution. As the Act to incorporate the City of Oakland was enacted previous to that time it is within the power of the Legislature to amend said Act.

For this, and other reasons that cannot now be stated for lack of time, I believe the proposed Act constitutional.

GROVE L. JOHNSON.

By Mr. Cheney:

MR. PRESIDENT: The undersigned, members of the Judiciary Committee, desire to present the following minority report on Senate Bill No. 131, relating to insolvent debtors: In our opinion, the bill is too generous to debtors rich in exemptions on the one side, and too generous to creditors on the other. Any attempt on the part of an honest debtor to compromise with his creditors is made a pretext for throwing him into involuntary insolvency. For these and other kindred reasons, we recommend that the bill do not pass.

W. A. CHENEY,
W. W. MORELAND.

And for other reasons:

GROVE L. JOHNSON,
J. S. ENOS.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, February 13th, 1880. }*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 6—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections one hundred and seventy-eight and one hundred and seventy-nine, prohibiting the employment of Chinese by corporations.

GEO. C. PERKINS, Governor.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Neumann: Senate Bill No. 338—An Act to amend section two thousand and eighty-four of the Code of Civil Procedure, in relation to proceedings to perpetuate testimony.

Read first time, and referred to the Judiciary Committee.

By Mr. Pool: Senate Bill No. 339—An Act to abolish the payment of bounties for the destruction of gophers in Merced County.

Read first time, and referred to the Committee on Agriculture.

By Mr. Hill: Senate Bill No. 340—An Act to protect public schools.

Read first time, and referred to the Committee on Education.

By Mr. Neumann (by request): Senate Bill No. 341—An Act for the relief of Joseph Solomon.

Read first time, and referred to the Committee on Claims.

By Mr. Chase: Senate Bill No. 342—An Act to amend section ten thousand one hundred and fourteen of the Code of Civil Procedure, relating to jurisdiction in Justices' Courts.

Read first time, and referred to the Committee on Labor and Capital.

By Mr. Johnson: Senate Bill No. 343—An Act to provide for the permanent improvement of the State Capitol Park.

Read first time, and referred to the Committee on Public Buildings.

By Mr. Davis: Senate Bill No. 344—An Act to preserve the water channels of the State, and prevent the filling up of the streams, rivers, and bays of this State, with the tailings and debris from hydraulic mines.

Read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

GENERAL FILE.

Senate Bill No. 22—An Act prohibiting savings banks, or savings and loan societies, and the attorneys, counselors, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to such banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 2—An Act to prevent the accumulation of large landed estates.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 279—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, relating to the use of opium.

Read second time.

Senate considered as in Committee of the Whole.

Amendments to section one adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 81—An Act to amend section one thousand one hundred and twenty of the Code of Civil Procedure.

Read second time.

Mr. Nye moved to indefinitely postpone the same.

The ayes and noes were demanded by Messrs. Enos, Chase, and Conger, with the following result:

AYES—Messes. Burt, Brown, Conger, Dickinson, George, Harlan, Hittell, Hudson, Johnson, Kelly, Langford, Nelson, Neumann, Nye, Satterwhite, Wendell, and Zuck—17.

NOES—Messes. Baker, Chase, Carlock, Cheney, Enos, George, Gorman, Hill, Johnston, Kane, Pardee, Rowell, and Ryan—13.

Carried.

Senate Bill No. 88—An Act to amend section one thousand one hundred and eighteen of the Code of Civil Procedure.

Read second time.

On motion of Mr. Nye, the same was indefinitely postponed.

Senate Bill No. 89—An Act providing a punishment for violating section seventeen, of article eleven, of the Constitution.

Senate considered as in Committee of the Whole.

Substitute read, adopted, and ordered engrossed.

Senate Bill No. 258 passed on the file.

Senate Bill No. 236—An Act concerning the Board of State Harbor Commissioners.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 263—An Act prohibiting the keeping or sale of animals afflicted with glanders or other contagious or infectious diseases.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 306—An Act relating to the intoxication of officers.

Read second time.

Senate considered as in Committee of the Whole.

Mr. West moved to amend section one, by inserting "or by reason of intoxication is disqualified for the discharge of, or neglects, his duties."

Adopted.

Amendment adopted, and bill, as amended, ordered engrossed.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Lampson, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Watson, Wendell, and Zuck.

Quorum present.

Mr. Pardee introduced the following bill out of order:

Senate Bill No. 345—An Act to amend sections three hundred and fifty-two, three thousand six hundred and ninety-two, and three thousand seven hundred and two, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add sections three thousand six hundred and ninety-five and three thousand seven hundred, to said Code, relating to the State Board of Education.

Read first time, and referred to the Committee on Finance.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly, and, on motion of Mr. Satterwhite, taken up out of its order:

ASSEMBLY CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twelfth, eighteen hundred and eighty, passed Assembly Bill No. 112—An Act to repeal sections two, three, and six, and to amend section four, of "An Act to provide for the payment of

certain bonds of the County of Lake," approved March twenty-eighth, eighteen hundred and seventy-four, in relation to an Assessor and Collector.

Also, that on February thirteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 205—An Act making appropriation for the salaries of the Chief Justice and Associate Justices of the Supreme Court of the State of California for the balance of the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

Also, that on February thirteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 206—An Act making appropriation for the State's portion of the salaries of the Superior Judges of the counties of the State of California for the balance of the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

Also, that on February thirteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 288—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the thirtieth fiscal year.

Also, that on February thirteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 289—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the twenty-ninth fiscal year.

Also, that on February thirteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 4—An Act to amend section four hundred and thirty-five of the Penal Code, in relation to the issuance of licenses to aliens.

Also, that on February thirteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 5—An Act to amend section three thousand and fifty-nine of the Political Code, in relation to the issuance of licenses to aliens.

Also, that on February thirteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 89—An Act to provide for a poll tax upon alien inhabitants of the State of California.

Also, that on February thirteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 102—An Act relating to the appointment of aliens to positions under State, county, city and county, city, or town officials.

Also, that on February thirteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 126—An Act to enable the State Board of Equalization to organize and perform its duties.

Also, that on February eleventh, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 75—An Act entitled an Act to limit and regulate the sale of mining and other stocks.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 112, above reported, read first time, and referred to the Committee on Township and County Governments.

Assembly Bills Nos. 205 and 206, above reported, each read first time, and ordered on the general file.

Assembly Bills Nos. 288 and 289, above reported, each read first time, and referred to the Committee on Public Printing.

Assembly Bills Nos. 4, 5, and 89, above reported, each read first time, and referred to the Committee on Chinese and Chinese Immigration.

Assembly Bill No. 102, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 126, above reported, read first time, and referred to the Committee on Finance.

Assembly Bill No. 75, above reported, read first time, and ordered on the general file.

Mr. Hudson granted leave of absence until Monday.

GENERAL FILE—RESUMED.

Senate Bill No. 307—An Act relating to swindling by cards or other means.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 301—An Act relating to intelligence offices.

On motion of Mr. Enos, the same was recommitted to the Committee on Labor and Capital with instructions.

Senate Bill No. 245—An Act to amend section three thousand four hundred and eighty-one of the Political Code.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 60, on motion of Mr. Enos, was made the special order for Tuesday, at three o'clock P. M.

Senate Bill No. 226—An Act to amend section one thousand five hundred and eighty-six of the Penal Code, relating to the transportation of convicts to the State Prisons.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 227—An Act to amend section two thousand two hundred and twenty-one of the Political Code, relating to transportation of insane persons to Asylums.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 254—An Act granting relief to taxpayers whose lands have been sold to the State.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 298—An Act to authorize the Boards of Supervisors of the several counties of the State to transfer certain funds.

On motion of Mr. Johnston, the bill was recommitted to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 107, withdrawn by the author.

Senate Concurrent Resolution No. 14—Relative to modification of the Burlingame Treaty.

Read second time.

Senate considered as in Committee of the Whole, and resolution ordered engrossed.

Senate Bill No. 283—An Act to confer power upon incorporated cities and towns to remove Chinese without the limits of such cities and towns, or to provide for their location within prescribed portions of their limits.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

NOTICE AND RESOLUTIONS.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: I hereby give notice that I will, on Monday, February sixteenth, eighteen hundred and eighty, call for a report from the Committee on Corporations, in reference to Senate Bill No. 7 and Senate Bill No. 168.

GROVE L. JOHNSON.

By Mr. Conger:

Resolved, That W. B. Anderson be and he is hereby allowed the sum of four dollars per day, from January twentieth to February fourteenth, inclusive, as a compensation for waiting upon Senate committees, and for the care of their rooms, to be paid out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses and Mileage.

By Mr. Lampson: Senate Concurrent Resolution No. 20—Relating to the appointment of Yosemite Valley Commissioners.

Read and adopted.

By Mr. Chase: Senate Concurrent Resolution No. 21—Relative to the retirement of national bank notes.

Resolution read.

Mr. Dickinson moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Chase, Kelly, and Gorman, and the motion lost by the following vote:

AYES—Messrs. Baker, Burt, Davis, Dickinson, and Nye—5.

NOES—Messrs. Anderson, Chase, Enos, Glasseck, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Pool, Rowell, Ryan, Satterwhite, Watson, Wendell, West, and Zuck—20

On motion of Mr. Johnson the resolution was referred to the Committee on Federal Relations.

By Mr. Ryan:

Resolved, That Hiram Clook be and he is hereby appointed a Committee-room Porter, whose duty it shall be to take charge of and keep in order the various committee-rooms of the Senate, commencing from the tenth day of January, A. D. eighteen hundred and eighty, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses and Mileage.

Mr. Nye submitted the following report out of order:

SENATE CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 277—An Act to amend section four of an Act entitled an Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes, approved March twentieth, eighteen hundred and seventy-eight—and report the same back to the Senate, and say that in their opinion it is not open to objection on the ground that it is unconstitutional.

NYE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 14th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 304—An Act to amend an Act entitled "An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San Francisco," approved March ninth, eighteen hundred and seventy, in conformity with the Constitution adopted by the people of this State, May seventh, eighteen hundred and seventy-nine—and report the same back with amendments, and recommend its passage as amended.

NYE, Chairman.

By Mr. Dickinson—Senate Concurrent Resolution No. 22:

Resolved by the Senate, the Assembly concurring, That one thousand copies of the Bank Commissioners' report be printed.

Read and adopted.

THIRD READING OF BILLS

Senate Concurrent Resolution No. 15, on motion of Mr. Johnson, was made the special order for Wednesday, at three o'clock P. M.

Senate Bill No. 277—An Act to amend section four of an Act entitled an Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes, approved March twentieth eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Davis, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Lampson, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Watson, Wendell, West, and Zuck—24.

NOES—None.

The title was then read, and the same approved as read.

Assembly Concurrent Resolution No. 14—Relative to the establishment of a postal telegraph system throughout the United States.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Watson, Wendell, West, and Zuck—27.

NOES—None.

The title was then read, and the same approved as read.

Assembly Concurrent Resolution No. 15—Relative to the protection of the rivers, cities, and agricultural lands of California.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Watson, Wendell, West, and Zuck—27.

NOES—None.

The title was then read, and the same approved as read.

ADJOURNMENT.

At three o'clock p. m., upon motion of Mr. Brown, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 16th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday was read and approved.

PETITIONS.

By Mr. Johnson—A petition from the citizens of Folsom, relative to the destruction of game.

Referred to the Committee on Fish and Game.

Also, a petition from the authorities of the Grass Valley Orphan Asylum, and asked that the same be printed for distribution.

Referred to the Committee on Finance.

By Mr. George—A similar petition from the same institution.

Referred to the Committee on Finance.

Leave of absence for one day granted Mr. Traylor.

Petitions were presented by Messrs. Burt, Brown, and Lampson, from citizens of their respective counties, requesting that Senate Bill No. 210 be not passed.

Each of the petitions referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 16th, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 11—Relative to the utilization of convict labor, by employing it in the manufacture of jute—report the same back amended, as required by the instructions of the Senate, and recommend the passage of the resolution as amended.

BAKER, Chairman.

By Mr. Zuck:

MR. PRESIDENT: The Committee on Labor and Capital, to whom was referred Senate Bill No. 130—An Act to create and maintain a Labor Bureau, and a Bureau of Land, Labor, Capital, Social, Vital and Industrial Statistics—report the same back, recommending the indefinite postponement of the same.

Also, Senate Bill No. 256—An Act to establish and support a Bureau of Labor and Land Statistics—report the same back, recommending the indefinite postponement of the same.

Also, Senate Bill No. 169—An Act making eight hours a legal day's work—report the same back, recommending the indefinite postponement of the same, as the substance of the bill is already on the statutes.

ZUCK, Chairman.

By Mr. Burt:

SENATE CHAMBER, February 16th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and find correctly enrolled, Senate Concurrent Resolution No. 17, and that the same has this day been presented to the Governor for his signature, at nine o'clock and fifty minutes A. M.

BURT, for the Committee.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 16th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 204—An Act for the relief of John E. Reynolds—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed, on the ground that it is unconstitutional.

Also, Senate Bill No. 208—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code—and recommend that said bill be indefinitely postponed.

Also, Senate Bill No. 209—An Act to empower Justices of the Peace to hold inquests concerning fires—and recommend its indefinite postponement.

Also, Senate Bill No. 217—An Act relative to official bonds—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 222—An Act to define the duties of the Governor and Legislature, under section one, of article seven, of the Constitution, relating to the pardoning power—and recommend that said bill be indefinitely postponed, for the reason that, in the opinion of your committee, no legislation is required to make operative the section of the Constitution referred to in said bill.

Also, Senate Bill No. 230—An Act to amend section one thousand one hundred and seventy-four of the Code of Civil Procedure—and recommend that said bill do not pass.

Also, Senate Bill No. 240—An Act to repeal an Act entitled an Act relating to advances, bona fide made to agents entrusted with goods, and for the better protection of such advances, approved March thirtieth, eighteen hundred and seventy-eight—and recommend its passage.

Also, Senate Bill No. 225—An Act to regulate the rate which may be charged as interest on money in this State—and report the same back with a substitute therefor, and recommend the passage of the substitute offered by the committee.

Also, Assembly Bill No. 23—An Act to amend section one thousand four hundred and fifty-

two of the Code of Civil Procedure, in relation to limitations of actions brought by heirs and devisees—and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 52—An Act to amend sections three thousand four hundred and ninety-one and three thousand four hundred and ninety-two of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to public nuisances—and recommend its passage.

Also, Assembly Bill No. 54—An Act to amend sections three hundred and ten and three hundred and eleven of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the enactment of statutes—and report the same back with amendments, and recommend its passage as amended.

NYE, Chairman.

By Mr. Johnson :

SACRAMENTO, February 16th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, dissent from the action of the majority of the said committee in recommending the indefinite postponement of Senate Bill No. 209—An Act to empower Justices of the Peace to hold inquests concerning fires.

The undersigned believe said bill, if enacted into a law, would be productive of good; would give a speedy and effective inquiry into the causes of fires and would tend to prevent over insurance and incendiarism.

For these and other reasons, the undersigned recommend the passage of the bill.

GROVE L. JOHNSON,
E. A. DAVIS.

Pursuant to notice given Saturday, Mr. Johnson called for Senate Bills Nos. 7 and 188 from the Committee on Corporations.

The Chairman of said committee reported progress.

Mr. Johnson moved that the committee be instructed to report Wednesday morning.

Carried.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Neumann: Senate Bill No. 346—An Act to protect the free migration of persons from the State of California.

Also: Senate Bill No. 347—An Act to regulate the use of privileges and franchises granted by the State of California.

Also: Senate Bill No. 348—An Act to enforce the provisions of section two, article nineteen, of the Constitution of the State of California.

Each of the above bills read first time, and referred to the Committee on Chinese and Chinese Immigration.

By Mr. Gorman: Senate Bill No. 349—An Act to provide for the conduct and management of elections and matters pertaining to elections, in cities and counties containing one hundred thousand inhabitants and upwards.

Read first time, and referred to the San Francisco delegation.

By Mr. Zuck: Senate Bill No. 350—An Act to prevent the accumulation of large landed estates.

Read first time, and referred to the Judiciary Committee.

By Mr. Hill: Senate Bill No. 351—An Act to punish decoys.

Read first time, and referred to the Committee on Public Morals.

REPORT OF ENGROSSING COMMITTEE.

By Mr. Cheney :

SENATE CHAMBER, February 16th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bills, viz.: Senate Bill No. 162—An Act to amend sections one thousand two hundred and forty-three, one thousand two hundred and forty-four, and one thousand two hundred and fifty-four, of the Code of Civil Procedure, relating to eminent domain.

Senate Bill No. 192—An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

Senate Bill No. 179—An Act entitled an Act to amend section five hundred and fourteen of title five, part four, of the Civil Code, concerning wagon road corporations.

Senate Bill No. 276—An Act to amend section two thousand nine hundred and forty-one of the Civil Code.

Senate Bill No. 282—An Act to enforce the provisions of section three, of article twelve, of the Constitution.

Senate Bill No. 281—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons.

Senate Bill No. 285—An Act to amend sections seven hundred and sixty-three and nine hundred and thirty-nine of the Code of Civil Procedure, relating to proceedings in partition and appeals therefrom.

Senate Bill No. 191—An Act to repeal an Act entitled "An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government," approved April first, eighteen hundred and seventy-eight.

CHENEY, Chairman.

GENERAL FILE.

Senate Bill No. 258, passed on the file.

Assembly Concurrent Resolution No. 11—Relative to the establishment of a Dead Letter Office in San Francisco.

Read second time.

Senate considered as in Committee of the Whole, and resolution ordered on the general file.

Senate Bill No. 211—An Act to amend section one thousand four hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted.

Upon the question of engrossment the ayes and noes were demanded by Messrs. Wendell, Cheney, and Neumann, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Davis, George, Gorman, Hill, Johnson, Kane, Kelly, Lampson, Moreland, Nye, Rowell, Ryan, Satterwhite, Watson, and West—21.

NOES—Messrs. Cheney, Dickinson, Glascock, Harlan, Johnston, Neumann, Pool, Sears, Wendell, and Zuck—10.

Carried.

Senate Bill No. 44, on motion of Mr. Dickinson, was indefinitely postponed.

Senate Bill No. 77, on motion of Mr. Nye, was indefinitely postponed.

Senate Bill No. 78—An Act to pay the claim of Hiram Clock for services rendered as Porter to the Senate at the Twenty-second Session.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 79—An Act to pay the claim of James Saultry for services rendered as Head Porter of the Senate of the Twenty-second Session.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 80, passed on the file.

Assembly Bill No. 30—An Act to repeal section one thousand two

hundred and twenty-two of the Code of Civil Procedure, relating to judgments and orders in cases of contempt.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the general file.

Senate Bills Nos. 131, 91, and 187, on motion of Mr. Dickinson, passed on the file, and made the special order for Thursday morning immediately after the reading of the Journal.

Senate Bill No. 121, passed on the file.

Senate Bill No. 183—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one, of the Political Code, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six, of said Code, providing for a duplicate assessment book.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 205, on motion of Mr. Nye, was indefinitely postponed.

Senate Bill No. 70, passed on the file.

Senate Bill No. 170, indefinitely postponed.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the City and County government, and the people of the City and County of San Francisco," approved March ninth, eighteen hundred and seventy, in conformity with the Constitution adopted by the people of this State, May seventh, eighteen hundred and seventy-nine.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Assembly Bill No. 75, on motion of Mr. Sears, recommitted to the Committee on Corporations with instructions to report on Friday morning.

Assembly Bills Nos. 205 and 206, on motion of Mr. Dickinson, were referred to the Committee on Finance with instructions to report tomorrow morning.

Senate Bill No. 162—An Act to amend sections one thousand two hundred and forty-three, one thousand two hundred and forty-four, and one thousand two hundred and fifty-four, of the Code of Civil Procedure, relating to eminent domain.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Rowell, Ryan, Sears, Wendell, West, and Zuck—30.
 NOES—None.

The title was then read, and the same approved as read.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Johnson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Senate Bill No. 192.

Mr. Wendell moved to recommit to the Judiciary Committee, with special instructions to amend as follows: Amend section six thereof so as to provide that the publication of said debates and proceedings shall be let by contract, to the lowest bidder, at a price not to exceed sixteen thousand dollars, and that the other section of said Act shall not take effect, nor any proceedings be had thereon, until such bid, with a good and sufficient bond for its fulfillment, shall have been received and accepted by the State Board of Examiners.

Also the following amendment, as offered by Mr. Dickinson: Strike out, on page three, section six, the last sentence in section: "The remainder of the volumes shall be sold at a sum to be fixed by said Board of Examiners, but which shall not exceed fifteen dollars per set of the volumes."

Mr. Johnson moved to amend by adding "with special instructions to report the same back to-morrow morning."

Carried.

Senate Bill No. 179, on motion of Mr. Johnson, was ordered recommit to the Committee on Engrossment, with instructions to correct and report the same immediately.

Senate Bill No. 270—An Act to amend section two thousand nine hundred and forty-one of the Civil Code.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, Wendell, West, and Zuck—37.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 282—An Act to enforce the provisions of section three, of article twelve, of the Constitution.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—33.

NOES—Messrs. Neumann, George, Sears, and Watson—4.

The title was then read, and the same approved as read.

Senate Bill No. 281—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glasecock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—36.

NOES—Mr. Enos—1.

The title was then read, and the same approved as read.

Senate Bill No. 285—An Act to amend sections seven hundred and sixty-three and nine hundred and thirty-nine of the Code of Civil Procedure, relating to proceedings in partition and appeals therefrom.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, Wendell, West, and Zuck—36.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 191—An Act to repeal an Act entitled "An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government," approved April first, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—36.

NOES—None.

The title was then read, and the same approved as read.

SPECIAL ORDER AT THREE O'CLOCK P. M.

Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glasecock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, and West—29.

NOES—Messrs. Brown, Dickinson, Hittell, Neumann, Nye, Pardee, and Watson—7.

The title was then read, and the same approved as read.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 16th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February sixteenth, eighteen hundred and eighty, concurred in Senate Concurrent Resolution No.

20—Relative to appointment of eight Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove.

Also, that on February sixteenth, eighteen hundred and eighty, the Assembly concurred in Senate Concurrent Resolution No. 22—Relative to printing Bank Commissioners' Report.

J. M. WRIGHT, Assistant Clerk.

GENERAL FILE—RESUMED.

Senate Bill No. 258, on motion of Mr. Enos, was made the special order for Tuesday, February seventeenth, at three o'clock P. M.

Senate Bill No. 80, on motion of Mr. Dickinson, was indefinitely postponed.

Senate Bill No. 121, on motion of Mr. Wendell, was made the special order for Wednesday, at three o'clock P. M.

Senate Bill No. 70, on motion of Mr. Brown, was made the special order for Wednesday, at three o'clock P. M.

Senate Bill No. 156, on motion of Mr. Hudson, was made the special order for Thursday, at three o'clock P. M.

RESOLUTION.

By Mr. Dickinson—Senate Concurrent Resolution No. 23:

Resolved by the Senate, the Assembly concurring, That the Committees on Military Affairs of the Senate and Assembly, acting as a Joint Committee, have leave of absence for two days, for the purpose of visiting the Armories at San Francisco, and inspecting the troops of the National Guard, to be reviewed in that city February twenty-third, eighteen hundred and eighty, and are hereby directed so to do.

Adopted.

By leave, Mr. Enos introduced out of order:

Senate Bill No. 352—An Act to establish and provide for the management of a State Board of Horticulture and Forestry.

Read first time, and referred to the Committee on Agriculture.

By Mr. Nye (by leave): Senate Bill No. 353—An Act concerning attorneys' fees provided for in mortgages and other written instruments on actions brought thereon.

Read first time, and referred to the Judiciary Committee.

By Mr. Harlan—A memorial from the members of Success Lodge, No. 366, I. O. G. T., protesting against the passage of a bill now before the Senate, granting an appropriation to the State University for vivinicultural purposes.

Read, and referred to the Committee on Public Morals.

REPORT.

Mr. Carlock, from the Committee on Engrossment, now reported back, as correctly engrossed, Senate Bill No. 179—An Act entitled an Act to amend section five hundred and fourteen, of title five, part four, of the Civil Code, concerning wagon road corporations.

Above bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, and West—29.

NOES—Messrs. Enos, Langford, and Neumann—3.

The title was then read, and the same approved as read.

NOTICE.

By Mr. Burt:

SENATE CHAMBER, February 16th, 1880.

MR. PRESIDENT: I hereby give notice that I will, on to-morrow, introduce a resolution to strike out Rule Seven of the Joint Rules of the Senate and Assembly.

RESOLUTION.

By Mr. Enos—Senate Concurrent Resolution No. 24:

PROPOSED AMENDMENT TO THE CONSTITUTION.

WHEREAS, Section two, of article one, of the Constitution of the State of California, reads as follows, to wit: "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it;" and whereas, section twenty-one, of article one, reads as follows, to wit: "No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; nor shall any citizen, or class of citizens, be granted privileges or immunities which upon the same terms shall not be granted to all citizens;" and whereas, section one, of article two, reads as follows, to wit: "Every native male citizen of the United States, every male person who shall have acquired the right of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State;" and whereas, women are citizens, first, of the United States, and second, of the State wherein they reside, and as such are subject to all laws, rules, and regulations of our free government; and whereas, by the provisions of article thirteen, concerning revenue and taxation, the property of female citizens is taxed on equal terms with the property of male citizens, notwithstanding the great fundamental principle of our government, which declares taxation without representation is tyranny; therefore, be it

Resolved by the Senate, the Assembly concurring, That section one, of article two, of the Constitution of the State of California, be amended so as to read as follows: "Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have been a resident of the State one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may be hereafter authorized by law; *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State."

Resolved by the Senate, the Assembly concurring, That the foregoing amendment shall be known as Constitutional Amendment Number —; that it shall be submitted to the people of the State of California, for their ratification or rejection, at the next election for members of the Assembly, to wit: at the election to be held on the first Tuesday after the first Monday in November, eighteen hundred and eighty. The ballots or tickets shall have printed or written upon them the words, "For Constitutional Amendment Number —," or "Against Constitutional Amendment Number —." Publication of the said proposed amendment shall be made by the Governor in his proclamation for the election of members of the Assembly, to be held on the first Tuesday after the first Monday in November, eighteen hundred and eighty. It shall be his duty to set forth at length, in his proclamation for the said election, the foregoing amendment, and to call upon those desiring to ratify the said proposed amendment to write or print upon their ballots or tickets the words, "For Constitutional Amendment Number —," and those opposed to it to write or print upon their ballots or tickets the words, "Against Constitutional Amendment Number —." No other publication than that made by the Governor in his proclamation shall be required.

Referred to the Committee on Elections.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 17th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 17th, 1880.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 336, would respectfully report that they have considered the same, and now report the same back to the Senate with amendments, and recommend the passage of the bill as amended.

BAKER, Chairman.

By Mr. Harlan:

MR. PRESIDENT: The undersigned, a minority of the Committee on Public Buildings, most respectfully begs leave to dissent from the opinion of the majority in recommending the passage of the bill providing for the erection of a State Normal School building at San José, and appropriating one hundred and fifty thousand dollars therefor.

The undersigned is of the opinion that if it is necessary to provide a normal school system, the public interests would be best subserved by the erection of at least three buildings, of moderate pretensions, in different portions of the State. The benefits of the system would thus be brought home to those most directly interested. Under the Constitution it is entirely competent for us to provide for such a system.

All of which is respectfully submitted.

J. H. HARLAN.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, February 17th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 142—An Act to classify according to population, and to provide for the organization, incorporation, and government of consolidated cities and towns of over one hundred thousand population—have had the same under consideration, and report the same back, and recommend that the bill be indefinitely postponed.

Also, Senate Bill No. 51—An Act to repeal an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved March twenty-seventh, eighteen hundred and seventy-eight—and report back, and recommend that the bill be indefinitely postponed.

Also, Senate Bill No. 224—An Act to provide for the payment of certain property heretofore taken for public use, in the City and County of San Francisco—and report back, and recommend that the same be indefinitely postponed.

Also, Senate Bill No. 335—An Act providing for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing at the Presidio—and report back, and recommend that the same be passed.

ENOS, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 17th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 167—An Act repealing an Act conferring further powers on the Board of Supervisors of the City and

County of San Francisco, approved April first, eighteen hundred and seventy-eight—have had the same under consideration, and report back, and a majority of the delegation recommend that the accompanying resolution be adopted.

JNO. S. ENOS,
C. C. CONGER,
J. C. GORMAN,
THOS. KANE,
J. K. NELSON.

Resolved, That Senators Neumann, Nelson, and Conger are hereby constituted a committee of three to whom Senate Bill No. 167 is referred, and said committee is hereby authorized and empowered to proceed to San Francisco and hear any of the reasons, from the citizens thereof, why said Senate Bill No. 167 should or should not be passed, and to report on or before February twenty-fourth, eighteen hundred and eighty.

By Mr. Dickinson:

SENATE CHAMBER, SACRAMENTO, February 17th, 1880.

MR. PRESIDENT: The undersigned, a minority of the San Francisco delegation, respectfully report and recommend that the resolution reported by the majority of said delegation be not adopted.

JNO. H. DICKINSON,
T. H. HITTELL,
PAUL NEUMANN.

By Mr. Hill:

SENATE CHAMBER, SACRAMENTO, February 17th, 1880.

MR. PRESIDENT: Your Committee on Public Printing, to whom was referred Assembly Concurrent Resolution No. 13—Relative to the printing of extra copies of the laws passed by the present Legislature for distribution to the Superior Judges and County Clerks of this State—have had the same under consideration, and do recommend its passage.

HILL, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, February 17th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 129—An Act to confer jurisdiction on the Superior Courts in certain special cases—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

TRAYLOR, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 17th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 46—An Act to amend sections three thousand nine hundred and seventy-seven, three thousand nine hundred and seventy-nine, three thousand nine hundred and eighty-one, and three thousand nine hundred and eighty-four, and to repeal section three thousand nine hundred and seventy-eight, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the removal of county seats—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 153—An Act to amend section one thousand one hundred and forty-four of the Code of Civil Procedure, relating to discharge of persons imprisoned on civil process—and report the same back, and recommend its passage.

Also, Senate Bill No. 182—An Act to amend the Political Code by adding a new section thereto, to be known as section four thousand one hundred and twenty-five, relating to the duties of the grand jury—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 201—An Act to regulate fire, marine, and inland insurance companies transacting business in this State—and return the same, and recommend that it be referred to the Committee on Corporations.

Also, Senate Bill No. 248—An Act to amend sections eight hundred and seventy-one and nine hundred of the Code of Civil Procedure, relating to proceedings in Justices' Courts—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 249—An Act to amend section three thousand three hundred and sixty of the Political Code—and report the same back and recommend that it be indefinitely postponed.

Also Senate Bill No. 252—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses—and report the same back, and recommend its passage.

Also, Senate Bill No. 261—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to granting of letters of administration—and report the same back, and recommend its passage.

Also, Senate Bill No. 262—An Act to repeal section two thousand and ninety-four of the Political Code—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 266 is "An Act to enable the San Francisco Society for the Prevention of Cruelty to Animals to take under wills and report the same back, and recommend that it be indefinitely postponed, upon the following grounds: First, said society has the power, as the law now stands, by virtue of section one thousand three hundred and thirteen of the Civil Code, to take by devisor or bequest, the same as any other charitable institution; second, the proposed Act is unconstitutional, being in conflict with subdivisions 1, 2, 3, 4, and 5 of section twenty-five, article four, of the Constitution, which said subdivision prohibits the granting to any corporation, association, or individual, any special or exclusive right, privilege, or immunity.

Also, Senate Bill No. 232—An Act concerning the trial of escaped convicts from the State Prison, and the costs of the same, have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 234—An Act concerning the trial of convicts for crimes committed in the State Prison, and the costs of the same—met report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 233. An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of convict's transports in said Prison, and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 192, An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California, recommitted with instructions, and report said bill, amended as directed by the Senate.

NYE, Chairman.

By Mr. Pardee:

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bills Nos. 101, 188, 120, 236, 199, 196, and 280, have had the same under consideration, and recommend that they be indefinitely postponed, and will offer a substitute for the same.

PARDEE, Chairman.

By Mr. Pardee—Majority report of Joint Committee on Revenue and Taxation:

[illegible]

The first question which presented itself to the committee was, whether the legislation proposed upon this subject ought to be introduced in an independent Act, or as a part of the Political Code. That Code already contained a complete revenue law, one which had been in force for several years, had been, to some extent, judicially construed and interpreted, and had at the same time served as authority to the State, and accordingly the incorporation of the proposed law with it was rejected. The committee then decided to declare, in its report, that law as the basis of its action, and to propose only such amendments as were suggested by the experience and wisdom of the committee, or were required to harmonize the law with the recently adopted Constitution of the State.

The first amendment proposed is to section three thousand six hundred and seven of the Political Code.

By this amendment this section is made to declare that all property is subject to taxation, except that excepted by the laws of the United States, or by the Constitution of this State. The section further provides that no property shall be subject to double taxation, or to be twice charged or assessed for the same tax, and that moneys or deposit with any banking corporation, and stock or shares of stock issued by any corporation organized under the laws of the State and held by non-residents of the State, shall be deemed and treated for the purposes assessment and taxation, as a part of the property of such corporation.

The second amendment proposed is to section three thousand six hundred and seventeen. Its object is to enlarge the definition of the term real estate contained in that section, so as to include "the interest in land held or acquired by virtue of a mortgage, deed of trust, contract, or other obligation affecting land, by which a debt is secured." This amendment is obviously required by the provisions of the Constitution declaring that mortgages, deeds of trust, and other instruments securing the payment of debts, shall be treated as an interest in the property affected thereby.

The third amendment is to section three thousand six hundred and twenty-seven, and, if adopted, it will incorporate into that section the provisions of sections two, four, and five, of article thirteen, of the Constitution, requiring that "cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value;" declaring the mode in which mortgages, deeds of trust, and other contracts by which debts are secured, shall be assessed, and the respective rights and obligations of mortgagors and mortgagees in regard to the taxes imposed; and also providing that all contracts made after January first, eighteen hundred and eighty, by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

The fourth amendment is to section three thousand six hundred and twenty-eight, and its chief object is to direct the Assessor to assess all property to the person, firm, or corporation by which it was owned, or in whose possession or control it was at twelve o'clock *m.* of the first Monday in March, as required by the Constitution. This amendment also enacts that no mistake in the name of the owner of real estate shall invalidate the assessment thereof.

Section three thousand six hundred and twenty-nine of the Political Code is the subject of the fourth amendment.

This amendment directs the Assessor to exact a statement, in the form prescribed by the State Board of Equalization, from each firm, person, and corporation. The taxpayer in this statement, in addition to the matter formerly required, "must separately state and describe mortgages, deeds of trust, contracts, and other obligations by which debts are secured, stocks issued by corporations, credits for moneys deposited with savings and loan corporations, or other corporations doing a banking business, all other credits, debts owing by such person, firm, or corporation, to *bona fide* residents of the State, or to firms or corporations doing business in the State."

The sixth amendment proposed is to section three thousand six hundred and thirty, regarding the affidavit to be exacted by the Assessor. Besides the matter heretofore required, this affidavit must state that the list made by the affiant contains a full and correct statement of all property subject to taxation, which he owned or had in his possession, or under his control, at twelve o'clock *m.* on the first Monday in March, and that the debts therein stated to be owing by him are owing to *bona fide* residents of the State or to firms or corporations doing business in this State.

The seventh amendment is designed to conform section three thousand six hundred and thirty-four to the provisions of section three, of article thirteen, of the Constitution, directing the assessment of surveyed lands in sections, or fractions of sections, and requiring the "Legislature to provide by law for the assessment in small tracts, of all lands not sectionized by the United States Government."

The eighth amendment is to section three thousand six hundred and forty, and, if adopted, will prohibit the assessment of the property of a firm to the individual members thereof, and of deposits to the individual depositor thereof, and of stock to the individual holders thereof, it being the policy of the amendments proposed by the majority of your committee to assess all the property of a firm to the firm, and all the property, franchises, and deposits of each corporation to such corporation.

By the ninth amendment, provisions are added to section three thousand six hundred and forty-one, requiring the assessment of franchises, and specifying the place and mode in which such assessment must be made; authorizing the State Board of Equalization to apportion the valuation of mortgages, and other instruments affecting lands situated in two or more counties, or in two or more subdivisions or districts of the same county; providing for deductions for the amounts actually paid on any mortgage on or before the first Monday in March, and, in those cases where the amount of a mortgage, or deed of trust, is in excess of the cash value of the land, declaring that the mortgage, or deed of trust, must be assessed at its full value, and that the realty shall not be assessed.

Section three thousand six hundred and forty-three, as proposed to be amended by the tenth amendment, provides for the assessment of ferries, and of franchises, water-craft, and toll bridges connecting more than one county.

The eleventh amendment is to section three thousand six hundred and fifty. The new requirements proposed are: First, that the form of the assessment book shall be as prescribed by the State Board of Equalization; second, that in the case of mortgaged property, the roll must show the value of the mortgage and the value of the remainder after deducting the value of the mortgage; third, that if all the taxable property of a corporation is assessed, then that its stock must be assessed to the owner and holder thereof only in the amount which its market value exceeds its par value; fourth, that credits for deposits with banking corporations doing business in this State, all of the property of which has been assessed, must be assessed to the owner and holder thereof only in the amount in which the value of such credits exceeds the amount of the money so deposited; fifth, that in assessing unsecured credits, there must be deducted therefrom

the unsecured debts due from the owner thereof; sixth, that taxable improvements shall be assessed though situate on lands not subject to taxation.

The twelfth amendment is to section three thousand six hundred and fifty-one, and its object is to permit the State Board of Equalization to prescribe the form of the assessment book, and to provide that until the Board prescribe such form the book shall be in the form heretofore used.

Section three thousand six hundred and fifty-two is proposed to be amended in some unimportant particulars, in respect to the oath to be taken by the Assessors and their deputies on the completion of the assessment book.

By the provisions of the present Constitution, railroads lying in two or more counties must, with the franchise and rolling stock thereof, be assessed by the State Board of Equalization. Hence, section three thousand six hundred and sixty-three is amended by striking out the provisions regarding the assessment of such railroads and their rolling stock, as the law in regard to such assessments should be embodied in that portion of the Code defining the powers and prescribing the duties of the State Board of Equalization.

The fifteenth amendment is to section three thousand six hundred and seventy-three. Its object is to vest the County Boards of Equalization with more ample powers than those heretofore confided in them by statute, and to enable them to determine all complaints in regard to the assessments of property, the deduction of debts from credits, the valuation of stocks, and of credits for moneys deposited with savings and loan and other banking corporations.

Section three thousand six hundred and seventy-eight is, by the sixteenth amendment, enlarged so as to require the Recorders in the several counties to furnish the Assessor with complete abstracts of all mortgages, deeds of trust, etc., remaining unsatisfied at twelve o'clock M. of the first Monday in March, and also to require the Board of Supervisors to furnish the Recorders with clerical assistance when necessary to enable them to comply with this section.

Section three thousand six hundred and seventy-nine of the Political Code provides for assessments to be made, after the completion of the regular assessment, of all property not already assessed, but declares that "*no person must be assessed, under this section, except a resident of the county.*" The seventeenth amendment, proposed by your committee, is to omit this last clause.

The eighteenth amendment consists of the reenactment of section three thousand seven hundred and seventeen of the Political Code.

The bill reported herewith amends section three thousand seven hundred and thirty, so as to require the County Auditor to enter upon the assessment roll the changes ordered therein by the State Board of Equalization.

The twentieth amendment is to strike out the words "Probate Judge," in section three thousand seven hundred and fifty-two, and insert, in place thereof, the words "Superior Court;" while the twenty-first and twenty-second amendments are to sections three thousand eight hundred and thirty-nine and three thousand eight hundred and sixty-one, and their object is to conform the provisions of those sections relating to poll taxes to the provisions of the present Constitution on the same subject.

It is apprehended that the chief ground of opposition to the bill presented herewith will be based upon the fact that its first section declares that no property shall be subject to double taxation, and that its subsequent sections are conceived in consonance with this declaration. The double taxation which is thus sought to be obviated arises mainly, if not exclusively, in reference to the taxation of stocks in corporations formed and doing business in this State, and of moneys on deposit with the savings and loan corporations of the State.

That to tax at its full cash value the franchise and all the real and personal property of a corporation, is an effectual and complete taxation of all the values belonging to such corporation, whether tangible or intangible, is beyond dispute. It is equally beyond controversy that the stock issued to the stockholders of the corporation is but a certificate showing the interest which the holder has in the entire assets of the corporation, just as a deed is merely the evidence of the interest which the grantee has acquired in the property described therein. If the government saw fit it might, perhaps, direct the tax to be assessed and levied upon either the land or the deed, but no one will contend that an *ad valorem* tax on both could be made consistent with the principles of natural equity, or the plain mandate of the Constitution, that "all property shall be taxed in proportion to its value, to be ascertained as provided by law."

If five persons own a farm or a manufactory, as tenants in common, worth one hundred thousand dollars, there is no doubt as to the mode of its assessment, and that such assessment can in no form be made to exceed that sum. If these five men choose to form a corporation, to fix the value of their property at one hundred thousand dollars, and to name their capital stock at the same sum, it is evident that they have created nothing of value: that the property and its worth are precisely the same as before. The government, if it prefers that mode, may treat the capital stock as the basis of assessment and taxation, but if it does so it must not again value and assess that which is the sole thing giving the stock any value whatever. In other words, if the farm or manufactory is assessed at one hundred thousand dollars, and the stock representing it at another one hundred thousand dollars, while no advance has been made in the assessed value of other farms or manufactories, this is a clear case of an assessment of property otherwise than "in proportion to its value."

If A has one thousand dollars, and loans it to B, it is clear that the assessment of this property, as a mortgage or otherwise to A for one thousand dollars, is a just and constitutional assessment, because in proportion to the value of the property. But if C, having one thousand dollars, deposits it with D, a savings bank which loans it to E, and the result of these transactions is two assessments, viz.: one to C and one to D, and each for one thousand dollars, here is

a mode of assessment not in proportion to value, for "C's one thousand dollars is made to contribute to the support of the government, during the same year, twice as much as A's one thousand dollars.

If, as a question of policy, either the savings and loan societies, or any other class of corporations, ought to be exterminated, then the legislation for that purpose should be honest, straightforward, and professing to pursue that end, and not enacted under the guise of assessing all property in proportion to its value.

The mode of assessment proposed by the majority of your committee does not exempt any corporation from the taxation of any property whatsoever held by it. On the contrary, it provides for the assessment against each corporation of its franchise, its real and personal property, its deposits and mortgages, and all credits held by it. When these assessments are made, and the taxes thereon collected and paid, it must follow that such payment diminishes the profits of the corporation, and is indirectly borne by the stockholders and depositors, by being deducted from the fund out of which their dividends are paid. Having thus paid one tax, and thereby contributed to the revenue of the State, "in proportion to the value of their property," shall there be exacted of the depositors another tax of the same amount, levied upon the same property, in the same year, and for the same purposes?

No honest business can be successfully conducted in this State if it labors, directly or indirectly, under the burdens of double taxation. The imposition of such taxation necessarily destroys the subject taxed. The depositors in our savings banks are mainly persons who have not acquired any considerable amount of wealth, who are seeking by industry and frugality to amass a sufficient competency with which to secure a home or to provide against want in sickness or in old age, and who do not feel competent to directly keep and invest their savings to the best advantage. To needlessly legislate against this class of people is worse than foolish; it approaches to the dignity of a crime. A tax on the market value of the capital stock of a corporation, over and above the value of its real and personal property, has sometimes been supported on the ground that it is a tax on the corporate franchise.

But section three thousand six hundred and forty-one, as proposed to be amended by the majority of your committee, expressly provides for the assessment of *franchises* at their full cash value. Any further assessment of franchises would therefore necessarily result in double taxation.

Perhaps, however, the opposition to the bill reported herewith will ultimately be supported, on the sole ground that the Constitution necessarily and unavoidably exacts a double taxation of the property of corporations having a capital stock, and also of the deposits in savings and other banks.

In seeking for a correct interpretation of the provisions of the Constitution on this subject, it is well to remember that all presumptions are against duplicate taxation. Thus, Judge Cooley, at page one hundred and sixty-five of his work on taxation, says: "It has very properly and justly been held that a construction of the laws was not to be adopted that would subject the same property to be twice charged for the same tax, unless it was required by express words of the statute, or by necessary implication. It is a fundamental maxim in taxation that the same property shall not be subject to a double tax, payable by the same party, either directly or indirectly; and where it is once decided that any kind or class of property is liable to be taxed under one provision of the statutes, it has been held to follow as a legal conclusion that the Legislature could not have intended the same property should be subject to another tax, though there may be general words in the law which would seem to imply that it may be taxed a second time. This is a sound and very just rule of construction, and it has been applied in many cases where, at first reading of the law, a double taxation might seem to have been intended."

So far as the Constitutional Convention went into the details of taxation it sought to avoid the duplicate assessment of the same property. It declared that the assessments should be made as of twelve o'clock M. of a certain day, and thus prevented the various assessments that might otherwise have been occasioned by changes in the form, location, or ownership of the same personality during the period in which assessments throughout the State were being made. It required that credits, secured by mortgage, should be deducted from the value of the property affected thereby. It authorized the Legislature to provide for the deduction from unsecured solvent credits of the unsecured debts owed by the holders of such credits to residents of this State; and it stated at the commencement of its article on the subject that "all property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law." Under this provision, as we understand it, it is the duty, as well as the right, of the Legislature to enact laws which will, as far as possible, prevent all double taxation, for if there be double taxation, it can never coexist with the taxation of property in proportion to its value.

The former Constitution of this State declared that "taxation shall be equal and uniform throughout the State: all property in this State shall be taxed in proportion to its value," etc. For more than a quarter of a century the statutes enacted under that Constitution, governing the assessment of stock, were substantially as follows: "The owner or holder of stock in any private or incorporated company or association, the entire capital of which is invested in property which is assessed, or the capital of which is assessed, shall not be assessed individually for his stock in such company or association," etc. (Statutes 1854, p. 104, Sec. 62; St. 1857, p. 328, Sec. 6; St. 1861, p. 423, Sec. 16, and Political Code, Sec. 3640.) During that quarter of a century many cases were determined involving the interpretation of that Constitution upon the subject of taxation, but, so far as we are aware, it was never held or claimed that the pro-

visions of these several statutes were in any way in conflict with the mandate of the Constitution requiring all property to be taxed.

In New Hampshire, when it was attempted, after taxing the whole property of corporations, to further tax the capital stock, the Supreme Court said: "A taxation of the shares of their appraised value, would, in fact, be a double taxation: once to the corporation itself, and again to the corporations, which would be unjust, oppressive, and unconstitutional." *Smith vs. Burley*, 9 N. H. 423, quoted and approved in *Savings Bank vs. Nashua*, 46 N. H. 398.)

An article of the Bill of Rights in Maryland declares that "every person in the State ought to contribute his proportion of the public taxes for the support of the government, according to his actual worth in real or personal property." Under this article the Supreme Court declared that, "although the State may elect to tax either the capital stock, or the real and personal property of the company, *yet not amounting to both*." *State vs. Chambers and Pugh*, R. R. Co., 40 Md. 22, 52.) Under the same article, the same Court had previously held that no double taxation could be imposed on deposits in savings banks. (*State vs. Sterling*, 20 Md. 502.)

It is certain that when the present Constitution was under discussion before the people, its advocates contended that it neither required nor permitted any double taxation in the case either of deposits or of capital stock. We shall quote some of the views expressed at that time to show the construction given to the Constitution by its friends, and that the measures contained in the bill reported herewith are in harmony with that construction. Thus, the San Francisco Chronicle, in an editorial published on April twenty-second, eighteen hundred and seventy-nine, said: "One of the misrepresentations most prevalent in by the opposition to the New Constitution is that it proposes to tax deposits in savings banks twice, once as to credits on individual depositors, and again as credits of the banks. Thus, they say, if Jones has one thousand dollars deposited in theibernia Savings Bank, he will be assessed upon his pass-book for that sum as a creditor of the bank, and the bank will be also assessed for the same property as a part of its credits at interest. The argument continues that this will so decrease the profits of the deposits as to discourage savings banks, and bring general ruin upon the country. The argument is so utterly unfounded that it is hardly worthy of a reply, especially as we have already answered it several times. But because it is still harped upon, we will notice it again.

"The Constitution establishes this fundamental rule: 'All property in the State not exempt under the laws of the United States shall be taxed in proportion to its value, to be ascertained as provided by law.' Under the general rule it must be remembered that the leading idea is *proportionate value*. The object clearly is to compel each citizen to contribute in proportion to the value of the property which the law protects for him. This means equal taxation: that is, *taxation according to ability to pay*. It is susceptible of no other construction. It is the rule laid down by Adam Smith, and approved by all subsequent writers of acknowledged authority. And because the judgments of men are fallible, because Assessors are apt to differ as to the mode of determining values, the Constitution clothes the Legislature with power to provide for ascertaining the value of property. The only limitation upon the power of the Legislature, in this respect, is that the values should be proportionate, and that all property shall be taxed, whether tangible or intangible. In the latter class, as will be seen, by reference to the definition of the word property in the Constitution, fall credits in banks. Now the Legislature may tax bank deposits in either of two ways. It may tax them to the individual depositors separately, or to the banks collectively, which are simply agents for the depositors. They are property having value, and certainly should pay taxes; but they cannot be taxed both to the banks and to the depositors. Why? Because that would be taxing the same property at twice its value, and not in proportion to its value. It would be just like taxing gas stock to the individual shareholders, and again to the corporation; or like taxing real estate in the hands of an agent, and again to the owner. It would be unequal, unjust, ridiculous, and clearly unconstitutional. The natural way to do would be to tax the deposits in the banks, and not tax the depositors individually."

The same questions had been thus previously discussed, in an article by an eminent member of the Convention, General Volney E. Howard, and published in the same paper, on April eleventh, eighteen hundred and seventy-nine:

"It has been developed by the Press, that it is the salutary provisions of the proposed Constitution for the regulation of corporations, which has produced the violent opposition to its adoption. The motive is obvious. Under the provisions of the present Constitution, as construed by the Supreme Court, that mortgages and credits are not property for the purposes of taxation, the mortgage corporations, and the money changers, and stock gamblers escape taxation nearly all together. They naturally wish to continue this great oven of exemption from the burden of the State. They raise a false issue and clamor, by alleging that the Constitution, as proposed in taxing credits, imposes double taxation. They ignore the fact that the Constitution declares that all property in the State shall be taxed in proportion to its value, to be ascertained according to law; and to make assurance doubly sure, provides 'State and County Boards of Equalization, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State, for the purposes for taxation,' and also that the Board is authorized and empowered 'to increase or lower the entire assessment roll or any assessment of property contained therein, so as to equalize the assessment of property contained in said assessment roll.' It is therefore clear that double taxation is impossible hereafter if the new Constitution shall be adopted. First, under this provision, if property should be doubly taxed, it would not be according to value, and if it appears on the face of the assessment, it would be void, and the Court would so declare; second, if it was so assessed, it would be the sworn duty

of the Board of Equalization to reduce it to a single valuation. If a man deposits money in a savings bank, whether loaned or not, it could be taxed but once, whether taxed to the depositor or the bank, and whether taxed on the money deposited or on the loan. It is absurd to say there could be one tax on the pass-book and another on the money, whether loaned or not. The assertion is a false alarm created for a single purpose. Again, 'the value is to be ascertained as provided by law.' That is, as the Legislature may direct, and therefore it would be in the power of the Legislature to adopt a system which would prevent double taxation, if ever resorted to."

The same learned jurist, in a prior communication to the same paper, had called attention to the Maryland decisions hereinbefore cited, and had said, "The attempt to alarm the depositors in savings banks, with double taxation, is entirely disingenuous. If a party deposits money in a savings bank for loan, he is, in fact, the owner of the money, and the bank the agent or trustee, and whether loaned in his name or that of the bank, the tax will be on the loan or mortgage. It cannot be on both, because they are not two values."

In the same paper, on April thirtieth, eighteen hundred and seventy-nine, in an answer to the card of the Directors of the Hibernia Bank, it was said: "The new Constitution does not change the condition of either the depositor or the bank; the pass-book, as such, is not taxed; it is merely evidence of the amount of money on deposit: it is the deposit that is taxed, and this tax can be paid, as at present, either by the bank or the depositor. If paid by the bank, the depositor is released; if the depositor, the bank is released. *It can only be assessed once and paid once in each year.*"

Similar opinions were expressed in an editorial of the same paper, on the same day, and were very generally urged during the canvass by the friends of the proposed Constitution.

Having thus sought to show the bill herewith presented is in harmony with equity, with sound public policy, with the language of the Constitution, requiring taxation of all property in proportion to its value, and with the construction of that Constitution insisted upon by its advocates in the campaign preceding its adoption, we respectfully submit our proposed amendments to the consideration of the Senate and Assembly of the State.

E. H. PARDEE, Chairman of Finance Committee of Senate.

WM. B. MAY, Chairman of Committee on Ways and Means of Assembly.

By Mr. Moreland:

MR. PRESIDENT: The minority of the Joint Committee of Finance of the Senate and Ways and Means of the Assembly, to whom were referred the various bills on revenue and taxation, hereby offer the annexed bill as a substitute for the bill recommended by the majority, and the said minority give the following reasons as their ground of disagreement:

The adoption of the minority's system of taxing stock would increase the taxable property of the State at least seventy-five millions of dollars, and to that extent lessen the rate of taxation.

Section three thousand six hundred and seven of the bill submitted by the majority appears clearly to violate section one, of article thirteen, of our Constitution, which requires all credits, claims, and demands, due or owing from banks or individuals, to be assessed alike.

And such discrimination in favor of banks and against individuals is alike unreasonable, and unjust, and unconstitutional, and, if made, would occasion a loss to the State of at least fifty millions of dollars of assessable property, and to that extent would increase the rate of taxation.

If the theory of assessing credits contained in the majority bill should be adopted, as people from all parts of the State, even from its most remote corners, deposit their money largely in the cities, or money centers, it would result in the reduction of assessments and revenue in all parts of the State, except where the principal banks are located, and where the principal deposits are made.

Such a system, if adopted, would work great injustice: would tend to enrich the money centers, and to impoverish all other parts of the State.

One of the principal objections to the system of taxation contained in the bill of the majority, supported by a portion of the joint committee that has had under consideration the question of revenue and taxation, is that while it admits the right and duty of the Legislature to assess the stock of incorporated companies, it adopts a system of assessing premiums only—that is, the difference between the market value and the par value when the par value is less than the market value, which so seldom occurs that it renders the constitutional provision requiring stock to be taxed practically nugatory.

The system for the taxation of stocks contained in the minority bill is simple and intelligible in its terms, and, we submit, is in exact compliance with a just and liberal construction of the mandates of the Constitution itself, and will accomplish the purposes intended.

This system is expressed in section three thousand six hundred and forty of the minority bill, and is as follows:

SECTION 3640. Corporations, associations, and joint stock companies having their principal place of business in this State, shall be assessed with the market value of their capital stock, after deducting therefrom the value of all other property assessed to them, and such capital stock shall not be assessed to the individual owners thereof.

The owners or holders of capital stock in corporations, associations, and joint stock companies, whose principal place of business is not within the State, must be individually assessed for such stock.

For the foregoing reasons, and for other reasons not necessary to mention, we recommend the adoption of the report submitted by the minority, and the passage of the bill herewith introduced.

SACRAMENTO, February 16th, 1880.

W. W. MORELAND,
A. B. CARLOCK,
FRANK A. LEACH,
L. G. MORSE,
R. F. DEL VALLE,
W. W. CUTHBERT,
MAX BROOKS,
C. HARTSON,
J. P. BROWN.

On motion of Mr. Johnson, the above reports were ordered printed, and made the special order for Thursday, at one o'clock and thirty minutes P. M.

By Mr. Pardee:

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have had under consideration Senate Bill No. 296—An Act to appropriate money for the support of orphans, half orphans, and abandoned children—and beg leave to recommend its passage.

Also, Senate Bill No. 228—An Act making appropriations for the support of orphans, half orphans, and abandoned children, for the thirty-second and thirty-third fiscal years—and beg leave to recommend that the author have leave to withdraw the same.

Also, Senate Bill No. 274—An Act to reimburse the Support Fund of the Deaf, Dumb, and Blind Asylum—and beg leave to recommend its passage.

Also, Senate Bill No. 321—An Act making an appropriation for the improvement of L Street, between Tenth and Fifteenth streets, in the City and County of Sacramento, State of California—and beg leave to recommend its passage.

Also, Assembly Bill No. 205—An Act making an appropriation for the salaries of the Chief Justice and Associate Justices of the Supreme Court of the State of California, for the balance of the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty—and recommend its passage.

Also, Assembly Bill No. 206—An Act making appropriation for the State's portion of the salaries of the Superior Judges of the counties of the State of California, for the balance of the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty—and beg leave to recommend its passage.

PARDEE, Chairman.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Traylor: Senate Bill No. 354—An Act to amend section one thousand six hundred and seventeen of the Political Code of this State, and to add a new section thereto, to be known as section one thousand six hundred and eighteen, relating to Boards of Trustees of school districts, and City Boards of Education.

Read first time, and referred to the Committee on Education.

By Mr. West: Senate Bill No. 355—An Act to amend sections two thousand nine hundred and six, two thousand nine hundred and seven, two thousand nine hundred and eight, two thousand nine hundred and nine, two thousand nine hundred and ten, two thousand nine hundred and eleven, two thousand nine hundred and twelve, two thousand nine hundred and thirteen, two thousand nine hundred and fourteen, two thousand nine hundred and fifteen, two thousand nine hundred and sixteen, two thousand nine hundred and seventeen, two thousand nine hundred and eighteen, two thousand nine hundred and nineteen, and two thousand nine hundred and twenty, of the Political Code.

Read first time, and referred to the Committee on County and Township Governments.

By Mr. Johnson: Senate Bill No. 356—An Act to impose a license upon land owners.

Read first time, and referred to the Judiciary Committee.

By Mr. Watson: Senate Bill No. 357—An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to the Town of Quincy, Plumas County, and to regulate freights and fares thereon.

Read first time, and referred to the Judiciary Committee.

By Mr. Enos: Senate Bill No. 358—An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to where cases in Court may be dismissed or nonsuit entered.

Read first time, and referred to the Judiciary Committee.

By Mr. Rowell: Senate Bill No. 359—An Act to preserve water rights.

Read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

Also: Senate Bill No. 360—An Act to repeal section one thousand four hundred and twenty-two of the Civil Code.

Read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

GENERAL FILE.

Senate Concurrent Resolution No. 11—Relative to the utilization of convict labor.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and resolution, as amended, ordered engrossed.

Senate Bills Nos. 130 and 256, passed on the file.

Senate Bill No. 169.

Mr. Zuck moved to indefinitely postpone the same.

Upon which the ayes and noes were demanded by Messrs. Enos, Gorman, and Conger, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glasecock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, West, and Zuck—29.

NOES—Messrs. Enos, Gorman, Kane, Kelly, Langford, Nelson, Ryan, Satterwhite, and Wendell—9.

Carried.

Senate Bill No. 204.

Mr. Nye moved to indefinitely postpone the same.

President pro tem. Baker in the chair.

The ayes and noes were demanded, upon the question of indefinite postponement, by Messrs. Johnson, Davis, and Chase, with the following result:

AYES—Messrs. Burt, Chase, Conger, Davis, Harlan, Hittell, Hudson, Johnson, Kane, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—20.

NOES—Messrs. Anderson, Baker, Carlock, Cheney, Dickinson, Enos, George, Gorman, Hill, Johnston, Kelly, Nelson, Pool, Ryan, Traylor, and Watson—16.

Carried.

Mr. Johnson changed his vote from "no" to "aye," and gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 204 was indefinitely postponed.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, February 17th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and find correctly enrolled, Senate Concurrent Resolution No. 20—relative to the appointment of Commissioners to manage the Yosemite Valley and Big Tree Groves; and that the same has this day been placed in the hands of the Governor, at fifteen minutes past twelve o'clock noon.

HUDSON, Chairman.

GENERAL FILE—RESUMED.

Senate Bill No. 208, indefinitely postponed.

Senate Bill No. 209, recommitted to the Committee on Judiciary for further action.

Senate Bill No. 217.

Mr. Nye moved to recommit the same to the Committee on County and Township Governments with instructions.

SPECIAL ORDER AT TWO O'CLOCK P. M.

Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners.

The hour having arrived for the consideration of the above special order, the same was taken up.

The Senate was considered as in Committee of the Whole.

Mr. Sears moved to adopt the substitute to section one, as reported by the committee.

Carried.

Mr. Kane moved to amend section two, as amended by the committee, by striking out "four thousand dollars," and inserting "three thousand dollars."

The hour for the consideration of special order, at three o'clock p. m., having arrived, the same, on motion of Mr. Dickinson, was postponed, and made the special order for Friday, at three o'clock p. m.

Upon the amendment, as offered by Mr. Kane, the ayes and noes were demanded by Messrs. Zuck, Chase, and Davis, with the following result:

AYES—Messrs. Burt, Chase, George, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Nye, Pardee, Traylor, and Zuck—13.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Hittell, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, and West—24.

Lost.

The question now recurred upon the original amendment, as offered by the committee, which amendment was adopted.

Mr. Davis moved that further discussion of the bill under consideration be suspended, and that the same be made the special order for to-morrow morning, immediately after the reading of the Journal.

Carried.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 18th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Johnson, pursuant to notice given by him yesterday, now moved a reconsideration of the vote whereby Senate Bill No. 204 was indefinitely postponed, and asked that the further consideration of the same be made the special order for eleven o'clock A. M. Wednesday, February twenty-fifth.

The same ordered as special order for February twenty-fifth, at eleven o'clock A. M.

PETITIONS.

By Mr. Hittell—A petition from the State Medical Society requesting the appointment of a Board of Medical Examiners to investigate and report as to the founding of a Hospital.

Referred to the Committee on Hospitals.

RESOLUTION.

By Mr. Hittell—Senate Concurrent Resolution No. 25:

Resolved, the Assembly concurring, That a committee of three members of the State Board of Health, to be designated by the Governor, be and are hereby appointed to consider the subject

of a State Hospital for Consumptives, to determine a suitable locality, to investigate the probable cost, to devise a general scheme for the construction and management of such an institution, and to report the result of their investigations to the Legislature at its next session.

Read, and referred to the Committee on Hospitals.

Mr. Neumann granted leave of absence for one day.

By leave, Mr. Glascock introduced the following bill out of order: Senate Bill No. 361—An Act entitled an Act to prevent the accumulation of large landed estates.

Read first time, and referred to the Judiciary Committee.

SPECIAL ORDER AFTER READING THE JOURNAL.

Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners.

Special order taken up.

Bill read second time.

Senate considered as in Committee of the Whole.

Mr. Hittell moved that the Senate adhere to its action of yesterday, in regard to the adoption of the amendments of the committee, as reported first.

Carried.

Mr. West moved to pass, temporarily, the adoption of section eleven.

Carried.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Consideration of Senate Bill No. 84 continued.

Mr. Cheney moved to continue the special order for one o'clock and thirty minutes P. M. until after the disposition of Senate Bill No. 84, now under consideration.

Carried.

Mr. West offered the following as a new section, to be numbered section fourteen, and making section fourteen section fifteen:

The term "transportation companies" shall be deemed to mean and include: First, all companies owning and operating railroads (other than street railroads) within this State; second, all companies owning and operating steamships, engaged in the transportation of freight or passengers from and to ports within this State; third, all companies owning and operating steamboats, used in transporting freight or passengers upon the rivers or inland waters of this State. The word "company," as used in this Act, shall be deemed to mean

and include corporations, associations, partnerships, trustees, agents, assignees, and individuals. Whenever a railroad company owns and operates, in connection with its road, and for the purpose of transporting its cars, freight, or passengers, any steamer or other water-craft, such steamer or other water-craft shall be deemed part of its railroad. Whenever any steamship or steamboat company owns and operates any barge, canal boat, steamer, tug, ferry boat, or lighter, in connection with its ships or boats, the things so owned and operated shall be deemed to be part of its main line.

Adopted.

Amendments adopted, as in Committee of the Whole.

Mr. Wendell offered the following amendment, in Senate, to section two: Amend by striking out "two thousand four hundred dollars," and inserting "two thousand dollars."

The ayes and noes were demanded by Messrs. Johnson, Sears, and Wendell, with the following result:

AYES—Messrs. Baker, Chase, Conger, Davis, Dickinson, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Nye, Pardee, Rowell, Sears, Wendell, West, and Zuck—18.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Cheney, Enos, George, Glascock, Johnson, Johnston, Lampson, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and Traylor—18.

Amendment lost.

Mr. Zuck moved to amend by striking out, in section two, the words "four thousand dollars," and inserting "three thousand dollars."

The ayes and noes were demanded by Messrs. Johnson, Zuck, and Dickinson, and the amendment was lost by the following vote:

AYES—Messrs. Baker, Burt, Chase, George, Glascock, Harlan, Hill, Johnson, Johnston, Kane, Pardee, Traylor, and Zuck—13.

NOES—Messrs. Anderson, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Hittell, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, and West—24.

Bill, as amended, ordered engrossed.

Senate Bill No. 54.

Indefinitely postponed.

Assembly Bill No. 84.

Mr. Johnson moved to indefinitely postpone the same.

Mr. Chase moved to amend by laying the same on the table.

Lost.

The original motion prevailed.

Senate Bill No. 63—Special order for one o'clock and thirty minutes P. M., as continued by motion of Mr. Cheney, now, on motion of Mr. Johnson, was made the special order for next Wednesday, at three o'clock P. M.

Mr. Enos moved that Senate Bill No. 167 be taken up out of order and considered.

Lost.

Senate Bills Nos. 130, 256, and 217, withdrawn by their respective authors, by leave of the Senate.

Senate Bill No. 222, on motion of Mr. Nye, recommitted to the Judiciary Committee.

Mr. Johnson moved that Mr. Baker, author of Senate Bill No. 230, have leave to withdraw the same.

Carried.

Senate Bill No. 240—An Act to repeal an Act entitled an Act relat-

ing to advances bona fide made to agents intrusted with goods, and for the better protection of such advances, approved March thirtieth, eighteen hundred and seventy-eight.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 225—An Act to regulate the rate which may be charged as interest on money in this State.

President Mansfield in the chair.

Senate considered as in Committee of the Whole.

Substitute read, adopted, and ordered engrossed.

Senate Bill No. 23, on motion of Mr. Nye, was recommitted to the Judiciary Committee.

Assembly Bill No. 52—An Act to amend sections three thousand four hundred and ninety-one and three thousand four hundred and ninety-two of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to public nuisances.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the general file.

Assembly Bill No. 54—An Act to amend sections three hundred and ten and three hundred and eleven of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the enactment of statutes.

Read second time.

Senate considered as in Committee of the Whole.

Amendment to title adopted.

Mr. Nye moved to reconsider the vote whereby the amendment to the title was adopted.

Carried.

The question recurring upon the adoption of the amendment, as recommended by the committee, was declared lost.

Bill ordered on the general file.

Senate Bill No. 336, upon motion of Mr. West, was made the special order for to-morrow, at one o'clock and thirty minutes p. m.

REPORTS OF STANDING COMMITTEES.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies, transacting business in this State—have had the same under consideration, and report the same back to the Senate with amendment, and recommend its passage.

WM. JOHNSTON,
W. H. BROWN,
W. W. TRAYLOR,
D. M. POOL,
J. H. HARLAN,
JOHN P. WEST,
MARTIN KELLY.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, February 18th, 1880.

MR. SPEAKER: The Committee on Corporations, to whom was referred Senate Bill No. 7—An Act to regulate fire, marine, and inland insurance companies transacting business in this State—have had the same under consideration, and report the same back to the Senate, and recommend its indefinite postponement.

SEARS, Chairman.

By Mr. Kelly:

SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: The undersigned, of the Committee on Corporations, while agreeing in the report of said committee recommending Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies transacting business in this State—for passage, disagree with the action of said committee in reducing the amount of capital stock of insurance companies *hereafter* authorized to do business in California, from *five* to *two* hundred thousand dollars.

Five hundred thousand dollars is certainly a small enough sum to require of a corporation seeking to do millions of business, especially as only one-quarter is required to be paid up in coin. Nearly all the California companies have that amount of capital and surplus, and it is not fair to permit new companies to compete with such undue advantages against established companies. The reduction is a bid for wildcat and irresponsible insurance companies of the Eastern States, and Europe and China, to come to California, collect large amounts of premiums, and at the first large fire vanish like a dream.

The lessons of the past, the experience of the present, and the teachings of prudence, most unmistakably demand that the limit of the capital stock of insurance companies should not be less than five hundred thousand dollars.

For these and other reasons, the undersigned recommend that the reduction made in the interest of insurance companies be not concurred in, but that the capital remain as originally in the bill, to wit, "five hundred thousand dollars."

MARTIN KELLY,
WM. JOHNSTON,
J. H. HARLAN,
D. M. POOL,
W. H. BROWN.

Mr. Sears gave notice that, on to-morrow, he would present a minority report on Senate Bill No. 188.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Committee on Corporations, dissent from the action of the majority in recommending the indefinite postponement of Senate Bill No. 7—An Act to regulate fire, marine, and inland insurance companies transacting business in this State. The undersigned believe the bill to be in the interest of the people and against corporations, and that its provisions, if enacted into a law, would prevent the public from being gouged by insurance companies. The bill, with some needed amendments, should become a law. It can injure no man or woman, but will reduce the cost of insurance and increase the security, and shorten the time needed to collect the money in case of loss. For these and other reasons the undersigned favor the passage of the bill.

WM. JOHNSTON,
MARTIN KELLY.

By Mr. Hill:

SENATE CHAMBER, SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: The Committee on Public Printing, to whom was referred Assembly Bill No. 288—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the thirtieth fiscal year—have had the same under consideration, and recommend its passage.

Also, Assembly Bill No. 289—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the twenty-ninth fiscal year—and report the same back, and recommend its passage.

HILL, Chairman.

By Mr. Lampson:

SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: Your Committee on State Library, having had under consideration Senate Bill No. 92—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-five of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the State Library; and Senate Bill No. 98—An Act to provide for the government of the State Library—report the same back with a substitute, and recommend the adoption of the substitute.

LAMPSON, Chairman.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following resolution, viz:

Resolved, That twenty-five dollars in postage stamps be equally divided between the Sergeant-at-Arms and Secretary of the Senate, payable out of the Contingent Fund of the Senate.

Beg leave to report, and recommend that the following be adopted as a substitute for the resolution:

Resolved, That the Secretary of the Senate be and he is hereby allowed the sum of twelve dollars and fifty cents for postage stamps, payable out of the appropriation for the contingent expenses of the Senate.

Also, the following:

Resolved, That W. B. Anderson be and he is hereby allowed the sum of four dollars per day, from January twentieth to February fourteenth, inclusive, as a compensation for waiting upon Senate committees and for the care of their rooms, to be paid out of the Contingent Fund of the Senate.

And report back, and recommend that the same be indefinitely postponed.

ZUCK, Chairman.

On motion of Mr. Zuck, the resolution relative to the allowance of twelve dollars and fifty cents to the Secretary, as reported by the committee, was adopted.

On motion of Mr. Zuck, the report of the committee on the claim of W. B. Anderson was adopted.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, and Drainage, to whom was referred Senate Bill No. 329—An Act to provide for the compensation of the officers performing duties and incurring expenses under an Act to create a drainage district, to be called, the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties, approved April first, eighteen hundred and seventy-eight, have had the same under consideration, and report it back with the recommendation that it do pass.

JOHNSON, Chairman.

On motion of Mr. Johnson, Senate Bill No. 329 was ordered at the head of the general file for to-morrow.

By leave, Mr. Enos withdrew Senate Bill No. 48.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, February 17th, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 253, have had the same under consideration, and report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

Mr. Carlock introduced a petition from the citizens of Modoc, Lassen, and Shasta Counties, relative to the clearing of obstacles in Fall and Pitt Rivers.

Referred to Committee on Fish and Game.

NOTICES.

By Mr. Kane:

MR. PRESIDENT: I hereby give notice that, on to-morrow morning, immediately after the reading of the Journal, I will call for a report from the Judiciary Committee as to their action on Senate Bill No. 262.

Also, that at the same time, I will call for a report from the Committee on Elections as to their action on Senate Bill No. 87.

Also, that at the same time, I will call for a report from the Committee on Town and City Governments as to their action on Senate Bill No. 259.

By Mr. Nye:

MR. PRESIDENT: I give notice that, to-morrow morning, immediately after the reading of the Journal, I will call for a report of the Committee on Public Buildings on Senate Bill No. 275.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.
SACRAMENTO, February 17th, 1880.

To the Senate of the State of California:

I have the honor to transmit to your honorable body the report of the "State Agricultural Society." As but one copy has been written, I respectfully request that the Assembly be notified thereof.

GEO. C. PERKINS, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 17th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February fourteenth, eighteen hundred and eighty, amended, and on February seventeenth, eighteen hundred and eighty, passed, Senate Bill No. 23—An Act to amend sections eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen, of the Penal Code, relating to crimes and punishments.

Also, that on February seventeenth, eighteen hundred and eighty, the Assembly passed Senate Bill No. 24—An Act to amend sections six hundred and eighty-nine, one thousand and forty-two, one thousand four hundred and thirty, and one thousand four hundred and thirty-five, of the Penal Code, relating to trials by jury.

Also, that on February seventeenth, eighteen hundred and eighty, the Assembly passed Senate Bill No. 28—An Act to repeal section four thousand three hundred and twenty-nine of the Political Code, regulating the salaries of County Judges.

Also, that on February seventeenth, eighteen hundred and eighty, the Assembly passed Senate Bill No. 29—An Act to repeal sections four hundred and ninety-nine and six hundred and eighty-four of the Political Code, relating to the salaries and compensation of public officers.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February eighteenth, eighteen hundred and eighty, concurred in Senate Concurrent Resolution No. 23—Relative to leave of absence for the Committees of Military Affairs, to visit armories and inspect the National Guard at San Francisco.

J. M. WRIGHT, Assistant Clerk.

INTRODUCTION OF A BILL.

By Mr. Traylor: Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, of article eleven, of the Constitution of this State.

Mr. Dickinson moved that so much of section fifteen, of article four, of the Constitution, as required a bill to be read at length on three several days, be dispensed with on the ground of urgency.

The roll was called, and the Senate refused to suspend the provision above referred to, by the following vote:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Dickinson, George, Harlan, Hudson, Johnson, Johnston, Langford, Nye, Pardee, Pool, and Zuck—15.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Hill, Hittell, Kane, Kelly, Lampson, Moreland, Nelson, Rowell, Ryan, Satterwhite, Traylor, Wendell, and West—20.

REPORTS OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney :

SENATE CHAMBER, SACRAMENTO, February 17th.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as currently engrossed, the following Senate bills, viz.: Senate Bill No. 22—An Act creating savings banks, of savings and loan societies, and building and loan associations, and their officers, the method of organizing them, and the manner of raising and the use of the money of the same, and to such banks or societies, for providing for the accumulation and payment of attorneys' and counselors of such banks and societies.

Senate Bill No. 2—An Act to prevent the accumulation of large landed estates.

Senate Bill No. 279—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, relating to the use of opium.

Senate Bill No. 89—An Act providing a punishment for violating section seventeen, of article eleven, of the Constitution.

Senate Bill No. 236—An Act concerning the Board of State Harbor Commissioners.

Senate Bill No. 255—An Act concerning the treatment of animals afflicted with glanders or other contagious or infectious diseases.

Senate Bill No. 306—An Act relating to the intoxication of officers.

Senate Bill No. 307—An Act relating to swindling by cards or other means.

CHENEY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 211—An Act to amend section one thousand four hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors.

Senate Bill No. 78—An Act to pay the claim of Hiram Clark for services rendered as Porter to the Senate at the Twenty-second Session.

Senate Bill No. 79—An Act to pay the claim of James Saffley, for services rendered as head Porter of the Senate of the Twenty-second Session.

Senate Bill No. 183—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-five, three thousand seven hundred and thirty-six, three thousand seven hundred and thirty-seven, three thousand seven hundred and thirty-eight, three thousand seven hundred and thirty-nine, three thousand seven hundred and forty, three thousand seven hundred and forty-one, three thousand seven hundred and forty-two, three thousand seven hundred and forty-three, three thousand seven hundred and forty-four, three thousand seven hundred and forty-five, three thousand seven hundred and forty-six, three thousand seven hundred and forty-seven, three thousand seven hundred and forty-eight, three thousand seven hundred and forty-nine, three thousand seven hundred and fifty, three thousand seven hundred and fifty-one, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-three, three thousand seven hundred and fifty-four, three thousand seven hundred and fifty-five, three thousand seven hundred and fifty-six, of said Code, providing for a duplicate assessment book.

Senate Bill No. 184—An Act to provide for procuring the best plan of the topographical knowledge of the San Francisco Bay Lagoon, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San Francisco, approved March ninth, eighteen hundred and seventy.

Senate Bill No. 192—An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

Senate Concurrent Resolution No. 11—Relative to the utilization of convict labor.

CHENEY, Chairman.

Also:

SENATE CHAMBER, February 17th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as currently engrossed, the following Senate bills, viz.: Senate Bill No. 215—An Act to amend section three thousand four hundred and eighty-one of the Political Code.

Senate Bill No. 226—An Act to amend section one thousand five hundred and eighty-six of the Penal Code, relating to the transportation of convicts to the State Prisons.

Senate Bill No. 227—An Act to amend section two thousand two hundred and twenty-one of the Political Code, relating to transportation of insane persons to Asylums.

Senate Bill No. 244—An Act granting relief to taxpayers whose lands have been sold to the State.

Senate Concurrent Resolution No. 14—Relative to modification of the Burlingame Treaty.

Senate Bill No. 283—An Act to confer power upon the appointed officers and to enable them to remove Chinese within the limits of such cities and towns, or to provide for their removal within prescribed portions of their limits.

CHENEY, Chairman.

At four o'clock p. m. Mr. Cheney moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Johnson, Gorman, and Burt, and the Senate refused to adjourn by the following vote:

Ayes—Messrs. Carlock, Chase, Cheney, Conger, Hill, Hittell, Langford, Moreland, Pool, Satterwhite, Wendell, West, and Zuck—43.

Noes—Messrs. Anderson, Baker, Burt, Dickinson, George, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Nelson, Nye, Pardee, Rowell, Traylor, and Watson—48.

Mr. Traylor moved that when the Senate adjourn, it do so with the understanding that Senate Bill No. 362 be taken up for further reading immediately after the reading of the Journal on to-morrow morning.

ADJOURNMENT.

At four o'clock and sixteen minutes p. m., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Thursday, February 19th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

SPECIAL ORDERS.

Senate Bills Nos. 131, 91, and 187, on motion of Mr. Dickinson, were continued for consideration until after the reading of Senate Bill No. 362.

Mr. Johnson moved that the special order for one o'clock and thirty minutes p. m.—consideration of majority and minority reports of Joint Committee on Revenue and Taxation, with Substitute Bill from each for Senate Bills Nos. 101, 120, 188, 196, 199, 206, and 280—be made the special order for to-morrow, at one o'clock and thirty minutes p. m.

Carried.

Senate Bill No. 362 was now taken up, pursuant to motion of Mr. Traylor yesterday.

Read at length, and referred to the San Francisco delegation.

SPECIAL ORDERS DIRECTLY AFTER READING JOURNAL.

Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

Now taken up.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Cheney moved to amend section three, line two, by striking out the words "as far as possible," and inserting "to the best of his knowledge and belief."

Carried.

Amendment to section six, by Mr. Satterwhite: After the word "newspaper," insert "of general circulation."

Adopted.

Amendment to section eight, by Mr. Wendell: Strike out "three hundred" and insert "five hundred."

Adopted.

By Mr. Cheney, amendment to section eight, line thirteen, between the words "or" and "suffered," insert the word "willfully."

Adopted.

Mr. Sears moved that the further consideration of the bill be continued until after recess.

Carried.

REPORTS OF STANDING COMMITTEES.

By Mr. Sears:

MR. PRESIDENT: The minority of the Committee on Corporations beg leave to submit their reasons why Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies transacting business in this State—should not become a law, and also suggest wherein it should be amended.

The business of insurance, in all of its branches, is one which has been reduced to business principles through years of experience and careful study. The interests of the policy-holders and the insurance companies should be mutual; every unjust, restrictive burden imposed on the companies increases the burden of the policy-holders. The proscriptive features of this bill are against the wisdom of experience and the business judgment of enlightened policy. Similar laws have had their trials in many other States, and have been repealed by the weight of their bad effects. This State tried a depositary law years ago, and repealed it because it was against the enlightened experience of the age. This Legislature has enough to do to enact the necessary good laws required, rather than use its limited time reenacting bad and discarded laws. If a deposit law is required in this State to protect the insured, then it is needed in every other State. If this State must have one hundred thousand dollars deposited here from every company organized outside of this State to protect its policy-holders, then other States require the same protection. To transact business in thirty States would require three million dollars scattered among those States. Very few companies have this amount in capital stock and assets combined.

The bill requires the deposit to be made with the State Treasurer, and he is to hold the same until all liabilities of the company are satisfied, therefore the company is debared from using its assets to pay its losses. If a fire in one State should entail a loss which required more money to meet its demands than the amount of the deposit in the State, the money required to meet losses would be locked up in State vaults, over which the company would have no control, and it would be compelled to suspend when its scattered assets were twenty times sufficient to pay all its losses. It would be like a tyrant of old who chained one of his victims to a wall and placed a cask of provisions beyond his reach, and then issued a proclamation, in flaming letters, declaring that he was in favor of his growing fat.

The result of the workings of depositary laws in the Eastern States has been to drive out foreign companies and confine the business to local companies, which invariably increases the rates and risks. The seven local companies now doing business in this State have a combined capital of two million two hundred thousand dollars, and are carrying risks amounting to fifty-nine million dollars. The capital and assets of these companies are in the same boat, and must sink or swim together. A fire far less in extent than that in Chicago or Boston would swallow up both.

It is often mentioned, with pride, that more mechanics own their homes in San Francisco, in proportion to number, than any other city in the Union. Now, every property owner, great and small, every mechanic, every poor laborer whose hard-earned savings has secured a home-stead to shelter his family, every man who owns his household furniture and looks anxiously forward to the time when he may place it in his own house, all have an interest in preventing the enactment of such an injurious law. You had better take his life rather than remove the protection which secures him in rebuilding his home in case of fire.

The eastern and foreign companies are generally conducted on safer principles. The available capital in the aggregate of these companies is equal to one-third of all their risks, while

that of the local companies is one thirty-eighth of their risks. It will be seen that the policyholder in an eastern or foreign company, has over twelve times the security that one has in a local company. If this bill is passed it will, to a great extent, deprive the owners of buildings of this reliable insurance security. If the proposed bill should become a law it would create a monopoly of the business here, and concentrate it among the local companies whose risks are far greater now than a wise policy would dictate. The assets of insurance companies should not be pooled with their risks. The greater area of territory the risks are spread over the greater security is guaranteed to the policy-holders. As servants and representatives of the people we are not justified in removing the timbers from this bridge which has for years carried so many safely over.

The minority of your committee recommend that the depository clause in the bill be stricken out, because it is mischievous, injurious, and has been tried and found wanting.

We also recommend that a section be added, making the Insurance Commissioner the attorney irrevocable of all companies here, so long as any of said companies have any outstanding liabilities of any kind. Also to receive service of process in suits commenced against any of said companies in this State.

We also recommend that a section be added, providing for the districting of San Francisco and other cities of over five thousand population, into Insurance Districts, and that no company be allowed to take risks in said districts greater than the amount of its capital stock, and that San Francisco should not be divided into more districts than it has wards. We consider such a provision of vital importance to policy-holders.

These suggestions are steps in the direction of protection and security to the insured, while a deposit law is retrograding and injurious.

All of which is respectfully submitted.

WM. H. SEARS,

J. H. DICKINSON,

Minority of Committee on Corporations.

Pursuant to notice given yesterday, Mr. Kane now called for the report of the Committee on City and Town Governments as to their action on Senate Bill No. 259.

Upon which Mr. Hittell made the following report:

SENATE CHAMBER, February 19th, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Senate Bill No. 259—An Act to regulate the cleansing of streets in cities and towns of the State of California—respectfully report as follows:

The bill seems to be designed for the sole purpose of preventing the use of what is known as the "street-sweeping machine" in the City and County of San Francisco. While this object may be, and probably is, a very proper one, yet the committee is of opinion that the Legislature should not interfere with a matter of such purely municipal and local concern. The theory of the Constitution is that cities and towns shall make and enforce within their limits all such local, police, sanitary, and other regulations, as are properly within their jurisdiction. For this reason the committee return the bill in question, and recommend that it be indefinitely postponed.

HITTELL, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, February 18th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 311—An Act to appropriate money to the California Artificial Stone Paving Company, to pay the balance due the Company for laying down the stone walks and avenues about the Capitol grounds—have had the same under consideration, and report back, and recommend that the same pass.

TRAYLOR, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 19th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was recommitted Senate Bill No. 209—An Act to empower Justices of the Peace to hold inquests concerning fires—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, to whom was referred Senate Bill No. 174—An Act to amend sections one thousand two hundred and ninety-five, one thousand two hundred and ninety-eight, one thousand three hundred and three, one thousand three hundred and five, one thousand three hundred and thirteen, one thousand three hundred and seventeen, one thousand three hundred and twenty-two, one thousand three hundred and thirty-eight, one thousand three hundred and forty, one thousand three hundred and forty-five, one thousand three hundred and sixty, one thousand three hundred and sixty-one, one thousand three hundred and sixty-two, one thousand three hundred and seventy-two, one thousand three hundred and seventy-three, one thousand three

hundred and eighty-three, one thousand three hundred and eighty-eight, one thousand three hundred and eighty-nine, one thousand three hundred and ninety-one, one thousand three hundred and ninety-three, one thousand three hundred and ninety-four, one thousand three hundred and ninety-seven, one thousand three hundred and ninety-eight, one thousand four hundred and two, one thousand four hundred and three, one thousand four hundred and six, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and twenty-six, one thousand four hundred and twenty-seven, one thousand four hundred and thirty, one thousand four hundred and thirty-one, one thousand four hundred and thirty-two, one thousand four hundred and thirty-three, one thousand four hundred and thirty-six, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thousand four hundred and fifty-two, one thousand four hundred and fifty-three, one thousand four hundred and fifty-nine, one thousand four hundred and sixty, one thousand four hundred and sixty-one, one thousand four hundred and sixty-four, one thousand four hundred and sixty-five, one thousand four hundred and sixty-six, one thousand four hundred and sixty-nine, one thousand four hundred and seventy, one thousand four hundred and seventy-four, one thousand four hundred and seventy-five, one thousand four hundred and eighty-five, one thousand four hundred and ninety-three, one thousand four hundred and ninety-four, one thousand four hundred and ninety-five, one thousand four hundred and ninety-six, one thousand four hundred and ninety-seven, one thousand four hundred and ninety-eight, one thousand four hundred and ninety-nine, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and seven, one thousand five hundred and ten, one thousand five hundred and twelve, one thousand five hundred and seventeen, one thousand five hundred and nineteen, one thousand five hundred and twenty-three, one thousand five hundred and twenty-six, one thousand five hundred and twenty-nine, one thousand five hundred and thirty, one thousand five hundred and thirty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-six, one thousand five hundred and thirty-seven, one thousand five hundred and forty, one thousand five hundred and forty-one, one thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-five, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-six, one thousand five hundred and sixty-nine, one thousand five hundred and seventy, one thousand five hundred and seventy-five, one thousand five hundred and eighty-five, one thousand five hundred and eighty-eight, one thousand five hundred and ninety, one thousand five hundred and ninety-one, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred and two, one thousand six hundred and three, one thousand six hundred and four, one thousand six hundred and sixteen, one thousand six hundred and eighteen, one thousand six hundred and twenty-two, one thousand six hundred and twenty-three, one thousand six hundred and twenty-four, one thousand six hundred and twenty-five, one thousand six hundred and twenty-nine, one thousand six hundred and thirty-two, one thousand six hundred and thirty-three, one thousand six hundred and forty, one thousand six hundred and forty-nine, one thousand six hundred and sixty-one, one thousand six hundred and sixty-seven, one thousand six hundred and sixty-nine, one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and seventy-seven, one thousand six hundred and eighty, one thousand six hundred and eighty-four, one thousand six hundred and eighty-five, one thousand six hundred and eighty-six, one thousand six hundred and ninety-two, one thousand six hundred and ninety-three, one thousand six hundred and ninety-four, one thousand six hundred and ninety-six, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, one thousand seven hundred and sixteen, one thousand seven hundred and eighteen, one thousand seven hundred and twenty, one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty, one thousand seven hundred and thirty-three, one thousand seven hundred and thirty-four, one thousand seven hundred and thirty-five, one thousand seven hundred and thirty-six, one thousand seven hundred and thirty-seven, and one thousand seven hundred and forty, of the Code of Civil Procedure, relating to the settlement of estates of deceased persons—and report the same back, with amendments, and recommend its passage as amended.

NYE, Chairman.

By Mr. Hittell:

SENATE CHAMBER, February 19th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 209, "to empower Justices of the Peace to hold inquests concerning fires," differ from the majority, and are of opinion that the bill should be indefinitely postponed.

While in some few cases such inquisitions might accomplish good, yet in the great majority of instances of fires they would be absolutely useless, except to make business for Justices and Constables, and impoverish county treasuries. It is no answer to say that under the Act no inquisition could be held unless upon a requisition of six house-holders, because there is no case in which an active and enterprising Constable could not secure such a requisition.

Besides this very serious objection, the bill is calculated to make out of every Justice of the Peace an inquisitor of almost absolute and irresponsible power to apprehend and throw into

prison any person he might please. The bill provides in effect that the Justice shall have unlimited discretion to find that any person has willfully set on fire any property destroyed or damaged by fire within his town or district—and even though no charge of the kind is made or sworn to against such person—and then to arrest and commit him in the same manner and with the same effect as if he had been regularly charged with arson or manslaughter.

It seems to the minority that the bill, if passed into a law, even if the power conferred by it upon Justices of the Peace could be considered "due process of law," within the meaning of section thirteen, of article one, of the Constitution, would be vicious in the extreme.

THEODORE H. HITTELL.
JOHN H. DICKINSON,
J. F. WENDELL,
JOHN W. SATTERWHITE.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Enos: Senate Bill No. 363—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Read first time, and referred to the Judiciary Committee.

By Mr. Hittell: Senate Bill No. 364—An Act to amend section one thousand five hundred and seventy-three of the Code of Civil Procedure, relating to the time within which certain actions may be commenced.

Read first time, and referred to the Judiciary Committee.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Baker moved to take up the special order for one o'clock and thirty minutes p. m.

Mr. Hittell moved to amend by making the same the special order for one week from to-day.

Lost.

The original motion prevailed.

Mr. Nye granted leave of absence for the rest of the week.

SPECIAL ORDER FOR ONE O'CLOCK AND THIRTY MINUTES P. M.

Senate Bill No. 336—An Act to provide for the erection of a building for the use of the Normal School.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted.

IN SENATE.

Mr. West offered a substitute, relating to the establishment of a State Normal School and branches thereof, and making appropriations therefor.

The ayes and noes were demanded by Messrs. West, Johnson, and Burt, upon the adoption of the substitute, and the same lost by the following vote:

AYES—Messrs. Anderson, Cheney, Gorman, Harlan, Johnson, Johnston, Kelly, Langford, Neumann, Rowell, Satterwhite, Traylor, and West—13.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Hill, Hittell, Hudson, Kane, Lampson, Moreland, Nelson, Pardee, Pool, Ryan, Sears, Watson, Wendell, and Zuck—24.

Mr. Glascock announced that upon the adoption of the substitute he was paired with Mr. Nye.

Mr. Hittell offered the following amendment: Amend by adding at the end of section one, as follows: "*Provided*, that the title to the real estate on which said Normal School building is to be erected, in the City of San Jose, be first deeded in fee simple absolute to the State of California."

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Neumann, with the following result:

AYES—Messrs. Anderson, Dickinson, Gorman, Harlan, Hittell, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Rowell, Satterwhite, and West—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Hill, Hudson, Johnson, Johnston, Kelly, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, and Zuck—23.

Lost.

Bill, as amended, ordered engrossed.

Mr. West gave notice that, during the week, he would introduce a bill for the purpose of locating a branch of the State Normal School at Los Angeles.

Further consideration of Senate Bill No. 131 continued.

Mr. Johnson moved to indefinitely postpone the same.

During the discussion of the motion, Mr. Pardee, at four o'clock and fifty-four minutes p. m., moved that the Senate adjourn, to meet at seven o'clock and thirty minutes p. m.

Lost.

ADJOURNMENT.

At four o'clock and fifty-five minutes p. m., on motion of Mr. Nelson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 20th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITIONS.

Mr. Ryan introduced three petitions from the citizens of Mendocino County, protesting against the passage of Senate Bill No. 210.

Referred to the Judiciary Committee.

By Mr. Glascock—A petition from the citizens of Red Bluff, protesting against the passage of Senate Bill No. 210.

Referred to the Judiciary Committee.

By Mr. Wendell—Two petitions from the citizens of Solano County in reference to Senate Bill No. 104.

Referred to the Committee on Fish and Game.

Mr. Wendell moved that the above petitions presented by him, in connection with petitions heretofore presented by him, relating to the same subject-matter, be printed.

Carried.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER, SACRAMENTO, February 20th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 75—An Act entitled an Act to limit and regulate the sale of mining and other stocks—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage.

SEARS, Chairman.

Mr. Satterwhite moved that Assembly Bill No. 75, above reported, be made the special order for Tuesday, immediately after the reading of the Journal.

Mr. Johnson moved, as an amendment, that the same be made the special order for Thursday, at one o'clock and thirty minutes p. m.

Carried.

Mr. West, from the Committee on Corporations, gave notice that he would present a minority report on Assembly Bill No. 75.

By Mr. Neumann:

MR. PRESIDENT: Your Committee on Elections, to whom were referred various bills, beg leave to report that they have had the same under consideration, and would recommend that Senate Bills Nos. 171, 172, 173, 299, and Senate Concurrent Resolution No. 24, be indefinitely postponed.

Your committee also beg leave to return Senate Bill No. 198, with the recommendation that it do not pass.

Your committee would further report that they have amended Senate Bill No. 87, and would recommend its passage as amended.

NEUMANN, Chairman.

By Mr. Carlock :

SENATE CHAMBER, February 20th, 1880.

MR. PRESIDENT: Your Committee on Fisheries and Game, to whom was referred Assembly Bill No. 81, providing for the "repeal of section five hundred and ninety-nine of the Penal Code relating to the protection of seals and sea lions near the Cliff House, in the City and County of San Francisco," have had the same under consideration, and report the same back with the recommendation that it do pass.

CARLOCK, Chairman.

By Mr. Johnston :

SENATE CHAMBER, SACRAMENTO, February 19th, 1880.

MR. PRESIDENT: The Committee on Swamp Lands, to whom was referred Senate Bills No. 255 and 268—have had the same under consideration, and report the same back to the Senate, and recommend their passage.

JOHNSTON, Chairman.

Also :

SENATE CHAMBER, SACRAMENTO, February 19th, 1880.

MR. PRESIDENT: The Committee on Swamp Lands, to whom was referred Senate Bill No. 189—have had the same under consideration, and report the same back to the Senate, and recommend that it do not pass.

JOHNSTON, Chairman.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, SACRAMENTO, February 19th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February eighteenth, eighteen hundred and eighty, rejected Senate Bill No. 33—An Act to add a new section, to be known as section ninety, to the Penal Code, relating to the crime of lobbying.

Also, that on February seventeenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 135—An Act to provide for the removal of aliens, whose presence is dangerous to the well-being of communities, outside the limits of cities and towns in the State of California.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 135, above reported, read first time, and referred to the Committee on Chinese and Chinese Immigration.

Assembly Concurrent Resolution No. 13, heretofore reported, read and concurred in.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February nineteenth, eighteen hundred and eighty, passed Assembly Bill No. 405—An Act to promote emigration from the State of California.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 405, above reported, read first time, and referred to the Committee on Chinese and Chinese Immigration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February nineteenth, eighteen hundred and eighty, passed Assembly Bill No. 227—An Act authorizing the Boards of Supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which such water shall be sold.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 227, above reported, read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

Senate Bill No. 23, heretofore reported as amended from the Assembly, referred to the Judiciary Committee, on motion of Mr. Johnson.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Gorman: Senate Bill No. 365—An Act to amend the eighth subdivision of section six hundred and ninety of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

By Mr. Langford: Senate Bill No. 366—An Act to amend section six hundred and seven of the Penal Code.

Read first time, and referred to the Judiciary Committee.

By Mr. Johnston: Senate Bill No. 367—An Act to repeal an Act entitled an Act to create a drainage district, to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties, approved April first, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Johnston: Senate Bill No. 368—An Act to add a new section to the Political Code, to be numbered three thousand four hundred and ninety-one, relative to the election of Trustees of reclamation districts, and their term of office.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Hill: Senate Bill No. 369—An Act to punish baggage smashing.

Read first time, and referred to the Judiciary Committee.

By Mr. Johnson: Senate Bill No. 370—An Act to adjudicate certain claims and to provide for the payment of the same.

Read first time, and referred to the Committee on Claims.

By Mr. Enos: Senate Bill No. 371—An Act to prevent Trustees, Councils, Boards of Supervisors, or other local legislative bodies from holding secret meetings.

Read first time, and referred to the Committee on County and Township Governments.

By Mr. Hudson: Senate Bill No. 372—An Act to tax the owners of large tracts of land in the State of California.

Read first time, and referred to the Judiciary Committee.

By Mr. Traylor: Senate Bill No. 373—An Act to amend sections number three hundred and twenty-four, three thousand and eighty-seven, three thousand and ninety-one, three thousand and ninety-three, and three thousand and ninety-five, of the Civil Code of the State of California.

Read first time, and referred to the Committee on Corporations.

Also: Senate Bill No. 374—An Act to provide for the further extension of the water front line of the City and County of San Francisco, and the construction of the sea-wall.

Read first time, and referred to the Committee on Commerce and Navigation.

By Mr. Ryan: Senate Bill No. 375—An Act to provide for the payment of certain claims against the City of Eureka.

Read first time, and referred to the Committee on County and Township Governments.

Also: Senate Bill No. 376—An Act to provide for the redemption of outstanding bonds of the several counties of this State.

Read first time, and referred to the Committee on County and Township Governments.

By Mr. Sears (by request): Senate Bill No. 377—An Act to amend section six hundred and sixteen of the Political Code, in relation to foreign insurance companies.

Read first time, and referred to the Committee on Corporations.

Also (by request): Senate Bill No. 378—An Act to amend section four hundred and fifty, and to repeal sections four hundred and fifty-one and four hundred and fifty-two of the Civil Code of California, relating to life insurance.

Read first time, and referred to the Committee on Corporations.

By Mr. Enos: Senate Bill No. 379—An Act to add a new section to the Civil Code, to be known as section four hundred and fifty-three, in relation to life insurance companies.

Read first time, and referred to Judiciary Committee.

By Mr. Johnston: Senate Bill No. 380—An Act to amend section one hundred and fourteen of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

By Mr. Brown: Senate Bill No. 381—An Act to add a new section to the Civil Code, to be numbered two thousand nine hundred and thirty-seven, relating to mortgages.

Also: Senate Bill No. 382—An Act to add a new section to the Code of Civil Procedure, to be numbered six hundred and seventy-six, relating to judgments.

Each of the above bills read first time, and referred to the Judiciary Committee.

Mr. Johnson moved that five hundred copies of majority and minority reports of the Joint Committee on Revenue and Taxation, as reported on February seventeenth, be printed.

Carried.

By leave, Mr. Gorman withdrew Senate Bill No. 365.

GENERAL FILE.

Senate Bill No. 329—An Act to provide for the compensation of the officers and persons performing duties and incurring expense under "An Act to create a drainage district, to be called the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bills Nos. 51 and 224 withdrawn.

Senate Bill No. 335—An Act providing for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing at the Presidio.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 129, recommitted to the Committee on Claims.

Assembly Bill No. 46—An Act to amend sections three thousand nine hundred and seventy-seven, three thousand nine hundred and seventy-nine, three thousand nine hundred and eighty-one, and three thousand nine hundred and eighty-four, and to repeal section three thousand nine hundred and seventy-eight, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the removal of county seats.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the general file.

Senate Bill No. 153—An Act to amend section one thousand one hundred and forty-four of the Code of Civil Procedure, relating to discharge of persons imprisoned on civil process.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 182—An Act to amend the Political Code by adding a new section thereto, to be known as section four thousand one hundred and twenty-five, relating to the duties of the grand jury.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 248—An Act to amend sections eight hundred and seventy-one and nine hundred of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 249, withdrawn.

Senate Bill No. 252—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 261—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to granting of letters of administration.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 262, indefinitely postponed.

Senate Bill No. 265—An Act to enable the San Francisco Society for the Prevention of Cruelty to Animals to take under wills.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Hittell moved to indefinitely postpone the same.

The ayes and noes were demanded by Messrs. Johnson, Enos, and Conger, with the following result:

AYES—Messrs. Baker, Burt, Dickinson, Glascock, Hittell, Lampson, Moreland, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, Wendell, and West—16.

NOES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, and Zuck—20.

Lost.

Bill ordered engrossed.

Mr. Sears moved to recommit Senate Bills Nos. 232, 233, and 234 to the Judiciary Committee, with instructions to report the same back Monday morning.

Carried.

Senate Bill No. 296—An Act to appropriate money for the support of orphans, half orphans, and abandoned children.

Read second time.

During the consideration of the same, the hour of recess having arrived, Mr. Johnson moved that the Senate continue in session until the disposition of the bill.

Carried.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

RECESS.

At twelve o'clock and fifty minutes P. M., Mr. Johnson moved that the Senate take a recess until two o'clock P. M.

Carried.

RE-ASSEMBLED.

The Senate re-assembled at two o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson moved to continue the special order set for one o'clock and thirty minutes P. M. to-day until Wednesday next, immediately after the reading of the Journal, and to continue the special order until finally disposed of.

Mr. Dickinson moved to suspend the rules, and take up Senate Bill No. 131.

The roll was called, and the bill was taken up by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Davis, Dickinson, Enos, George, Glascock, Harlan, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—28.

NOES—Messrs. Burt, Chase, Conger, Gorman, Hill, Johnson, Kane, Kelly, and Rowell—9.

Mr. Johnson, by leave, withdrew his motion of yesterday to indefinitely postpone the bill.

The Senate considered as in Committee of the Whole.

The hour having arrived for the consideration of special orders, at three o'clock P. M. Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of stock thereof, and electing other officers; and Senate Bill No. 258—An Act to establish a simple and inexpensive system of procedure in civil cases—the same, on motion of Mr. Hittell, was postponed, and made the special order for Wednesday next, at three o'clock P. M.

Mr. Dickinson moved that further reading of Senate Bill No. 131 be discontinued, and that the same be made the special order for to-morrow morning, immediately after the reading of the Journal, and to continue the special order until finally disposed of.

Carried.

RESOLUTIONS.

Mr. Johnson, by leave, introduced the following resolution out of order:

Resolved, That from and after Wednesday, February twenty-fifth, eighteen hundred and eighty, there shall be held evening sessions by the Senate upon each Wednesday and Friday evening, commencing at seven o'clock each evening, and no business shall be in order at such evening session except business upon the general file; *provided*, that the Senate, by a two-thirds vote, may set special orders for such evening sessions.

Read, and laid over one day under the rule.

Mr. Enos called up the following resolution, as reported on February seventeenth, from the majority of the San Francisco delegation:

Resolved, That Senators Neumann, Nelson, and Conger are hereby constituted a committee of three, to whom Senate Bill No. 167 is referred, and said committee is hereby authorized and empowered to proceed to San Francisco and hear any of the reasons, from the citizens thereof, why said Senate Bill No. 167 should or should not be passed, and to report on or before February twenty-fourth, eighteen hundred and eighty.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Enos, Conger, and Gorman, with the following result:

AYES—Messrs. Burt, Cheney, Conger, Enos, George, Gorman, Harlan, Kane, Kelly, Moreland, Nelson, Pool, Ryan, Sears, and West—15.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Davis, Dickinson, Hill, Hudson, Johnson, Lampson, Neumann, Pardee, Rowell, Traylor, Wendell, and Zuck—17.

Lost.

ADJOURNMENT.

At five o'clock and twenty-five minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 21st, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

By unanimous consent, Senate Bill No. 192—An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California—was taken up out of order, read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Pool, Ryan, Satterwhite, Sears, Taylor, Watson, and West—28.

NOES—Messrs. Baker, Brown, Harlan, Hill, Pardee, Rowell, Wendell, and Zuck—8.

The title was then read, and the same approved as read.

Mr. Baker moved that Senate Bill No. 354, now under consideration by the Committee on Education, be printed.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 20th, 1890. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following official appointment, and respectfully ask your confirmation: Geo. W. Schell, of Stanislaus County, as Prison Director, vice Whitney, resigned.

GEO. C. PERKINS, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of Geo. W. Schell, as Prison Director, vice Whitney, resigned?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—34.

NOES—Mr. Sears—1.

Whereupon the President announced the appointment of Geo. W. Schell, as Prison Director, duly confirmed.

SPECIAL ORDER.

Directly after reading Journal, to continue until disposed of.

Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

Senate considered as in Committee of the Whole.

During the discussion of the same, Mr. Baker, by leave, moved that when the Senate adjourns it adjourns to meet Tuesday, February twenty-fourth, at ten o'clock A. M.

The ayes and noes were demanded by Messrs. Johnson, Zuck, and Hill, with the following result:

AYES—Messrs. Baker, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hudson, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and Wendell—23.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Rowell, West, and Zuck—13.

Carried.

At eleven o'clock and forty minutes A. M., Mr. Zuck moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Davis, Neumann, and Dickinson, with the following result:

AYES—Messrs. Brown, Hill, Johnson, Kelly, and Zuck—5.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hudson, Johnston, Kane, Lampson, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Wendell—29.

Lost.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, February 21st, 1880.

MR. PRESIDENT: Your Committee on Enrollment have examined, and found correctly enrolled, Senate Bill No. 24—An Act to amend sections six hundred and eighty-nine, one thousand and forty-two, one thousand four hundred and thirty, and one thousand four hundred and thirty-five, of the Penal Code, relating to trial by jury.

Also, Senate Bill No. 28—An Act to repeal section four thousand three hundred and twenty-nine of the Political Code, regulating the salaries of County Judges.

Also, Senate Bill No. 29—An Act to repeal sections four hundred and ninety-nine and six hundred and eighty-four of the Political Code, relating to the salaries and compensation of public officers.

And said bills were this day placed in the hands of the Governor, at ten o'clock and forty minutes A. M.

HUDSON, Chairman.

Leave of absence granted to Messrs. Zuck and Baker for the rest of the day.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West.

Quorum present.

Mr. Brown asked to have his name recorded as having voted against Senate Bill No. 192.

So ordered.

Further consideration of Senate Bill No. 31.

Read second time.

The Senate, on motion of Mr. Johnson, concurred in the amendments as adopted by the Committee of the Whole.

Mr. Sears moved to amend section eight, line two, by striking out the word "five" and inserting the word "two."

Upon which the ayes and noes were demanded by Messrs. Sears, Johnson, and Brown, with the following result:

AYES—Messrs. Carlock, Harlan, Johnson, Nelson, Neumann, and Sears—6.

NOES—Messrs. Burt, Brown, Chase, Cheney, Dickinson, Enos, Gorman, Hill, Johnston, Kane, Kelly, Pardee, Rowell, Ryan, Satterwhite, Traylor, Wendell, and West—18.

Lost.

Bill ordered engrossed.

Mr. West, by leave, introduced Senate Bill No. 383—An Act to establish a Branch State Normal School.

Read by title and ordered printed.

By Mr. Neumann, by leave, Senate Bill No. 384—An Act to establish free public libraries and reading rooms.

Read by title and ordered printed.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Cheney :

SENATE CHAMBER, February 21st, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners.

Senate Bill No. 240—An Act to repeal an Act relating to advances bona fide made to agents intrusted with goods, and for the better protection of such advances, approved March thirtieth, eighteen hundred and seventy-eight.

Senate Bill No. 225—An Act to regulate the rate which may be charged as interest on money in this State.

Senate Bill No. 336—An Act to provide for the erection of a building for the use of the Normal School.

CHENEY, Chairman.

Also:

SENATE CHAMBER, February 21st, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 329—An Act to provide for the compensation of the officers and persons performing duties and incurring expense under "An Act to create a drainage district, to be called the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight.

Senate Bill No. 335—An Act providing for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing at the Presidio.

Senate Bill No. 153—An Act to amend section one thousand one hundred and forty-four of the Code of Civil Procedure, relating to discharge of persons imprisoned on civil process.

Senate Bill No. 182—An Act to amend the Political Code by adding a new section thereto, to be known as section four thousand one hundred and twenty-five, relating to the duties of the grand jury.

Senate Bill No. 248—An Act to amend sections eight hundred and seventy-one and nine hundred of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Senate Bill No. 252—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses.

Senate Bill No. 261—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to granting of letters of administration.

Senate Bill No. 265—An Act to enable the San Francisco Society for the Prevention of Cruelty to Animals to take under wills.

Senate Bill No. 296—An Act to appropriate money for the support of orphans, half orphans, and abandoned children.

CHENEY, Chairman.

ADJOURNMENT.

At three o'clock P. M., on motion of Mr. Chase, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 24th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Eno, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

Mr. Johnson moved that the resolution introduced by him on February twentieth, relating to the holding of night sessions, be made the special order for two o'clock P. M. to-day.

Carried.

Leave of absence for one day was granted Messrs. George, Brown, Moreland, Pool, and Conger.

INTRODUCTION OF PETITIONS.

By Mr. Hill:

To the Honorable Senate of the State of California:

Your petitioners, the undersigned, property owners of Salinas, Monterey County, California, beg leave to protest against the passage, by the State Legislature, of the insurance bills, requiring all American companies to make a deposit in this State of one hundred thousand dollars, and fixing their minimum capital at five hundred thousand dollars, which bills are now under consideration by the Legislature of California. Believing that should the said bills, or any of a similar nature, become laws, the result would be to drive from the State of California a large number of the oldest and most substantial insurance companies, thereby lessening materially the security to property which is now offered, and also advance the rates of insurance upon all classes of property, besides opening the door to an oppressive monopoly in the insurance business by a few local companies. We therefore pray that this, our petition, may receive due and careful consideration by your honorable body before action is had by you upon said bills.

SALINAS, CALIFORNIA, February 21st, 1880.

R. S. ROBBINS, Warehouseman,
JAMES STOKES, Tailor,
H. S. BALL, Grain Dealer,
J. H. McDOUGALL, Postmaster,
PARIS KILBURN, Farmer,
WALTER ST. JOHN, Druggist,
W. S. JOHNSON, Cashier,
MEYER & FRIEDLANDER, Merchants,
W. P. L. WINHAM, Real Estate Agent and
Broker,
A. MANTUER, Merchant,
C. SIEGHOLD, Jeweler,
E. K. ABBOTT, M. D., Physician and Druggist,
VANDERHURST, SANBORN & COMPANY,
Merchants,
M. HUGHES, Sadler,
C. HOFFMAN, Farmer,
M. LYNN, Farmer,
N. A. DORN, Attorney at Law,
L. H. GARRIGUS, Grain Dealer,
G. WARREN, Storekeeper,
H. M. R. PARKER, Attorney at Law,

J. W. R. PARKER, Merchant,
E. ROSSI, Hotel Keeper,
DAVID JACKS, Capitalist,
E. P. IVERSON, Blacksmith,
J. E. WHITE, Undertaker,
G. W. HATCH, Clerk,
G. A. TOLMAN, Boot and Shoe Dealer,
HALE & COMPANY, Merchants,
NATHAN CLARK, Clerk,
JOS. A. LAURENCE, Merchant,
CONKLIN & SAMUELS, Merchants,
STEPHEN LEAN, Livery Business,
WM. H. WEBB, Attorney at Law,
CHRIS. FRANKS, Sheriff,
F. H. TROPE, Proprietor Salinas Hotel,
N. L. ALLEN, Commission Merchant,
H. P. TUTTLE, M. D.,
W. V. McGARVEY, County Tax Collector,
W. P. NICHOLS, Clerk,
JOHN MARKLEY, County Clerk,
JOHN K. ALEXANDER, Superior Judge,
S. P. CARTER, County Treasurer,

A. M. AUSTIN, Conductor,
T. BEEMAN, Attorney at Law,
J. D. CARR, Farmer,
JAMES H. HARRIS, Merchant,
J. F. BIRLEM,
GEO. S. MILLER, City Collector,
HARRY HEERDT, Jeweler,
JOE JOHNSON,

EDWIN ST. JOHN, County Supervisor,
JOHN P. STANLEY, Merchant,
S. M. SWINNERTON, Attorney at Law,
EUGENE SHERWOOD, Farmer,
C. P. NANCE, Merchant,
O. S. TRIMMER, M. D.,
F. J. HOPPS, Carpenter.

Read, and referred to the Committee on Corporations.

By Mr. Sears—A petition from the citizens of Contra Costa, protesting against the passage of Senate Bill No. 188.

Read, and referred to the Committee on Corporations.

By Mr. Carlock—A petition from the citizens of Siskiyou County, protesting against the passage of Senate Bill No. 210.

Read, and referred to the Judiciary Committee.

Also, a petition from the citizens of Shasta County, asking for the passage of a law empowering citizens to decide by ballot as to whether intoxicating beverages shall be sold in villages.

Read, and referred to the Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

By Mr. Kelly:

SENATE CHAMBER, SACRAMENTO, February 21st, 1880.

MR. PRESIDENT: The undersigned, a minority of the Committee on Corporations, dissent from the conclusions of the majority in reference to Assembly Bill No. 75—An Act to limit and regulate the sale of mining and other stocks.

We recommend the passage of the bill as it came from the Assembly. It is a righteous blow aimed at the most gigantic evil of our State, viz.: gambling in mining stocks. It will tend to purify the business of mining, to make the stock-broker business as respectable as such an occupation can become, and will prevent thousands of poor persons from losing their hard earned money to the "bulls" and "bears" of Pine Street. Legitimate enterprises should receive the sanction and assistance of the State, but mining stock gambling, as practiced in the San Francisco Stock Boards, is so wicked that it does not rise to the dignity of illegitimacy. The Stock Boards have proved financial whirlpools, which have engulfed the fortunes of thousands and lives of hundreds. Any bill restraining, or, if need be, prohibiting a business fraught with so much woe and so little good, is clearly within the provisions of the Constitution, as well as demanded by the better instincts of the people. For these and other reasons the undersigned favor the passage of Assembly Bill No. 75, as it came from the Assembly.

All of which is respectfully submitted.

MARTIN KELLY,
JOHN P. WEST,
D. M. POOL,

Minority of Committee on Corporations.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 21st, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was recommitted Senate Bill No. 232—An Act concerning the trial of escaped convicts from the State Prison, and the costs of the same—have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 234—An Act concerning the trial of convicts for crimes committed in the State Prison, and the costs of the same—and report the same back with a substitute, and recommend the passage of the substitute.

NYE, Chairman.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, February 20th, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 313, have had the same under consideration, and report the same back to the Senate, and recommend the following amendment: Amend by striking out all after the word "may," in section five, line four from the bottom, down to and including the word "State," in line two from the bottom of same section, and insert the following, "offer such premiums." And recommend its passage as amended.

JOHNSTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 20th, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 58, have had the same under consideration, and report the same back to the Senate, and recommend that it do not pass.

JOHNSTON, Chairman.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 20th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twentieth, eighteen hundred and eighty, refused a third reading to Senate Bill No. 38—An Act to amend sections one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven, of the Penal Code, relating to forfeiture of bail, or money deposited in lieu of bail.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 21st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February nineteenth, eighteen hundred and eighty, passed Assembly Bill No. 94—An Act to legalize and validate the assessment and assessment roll for State, county, and consolidated city and county taxes of the various counties of the State, for the fiscal year eighteen hundred and seventy-nine and eighty.

Also, that on February nineteenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 175—An Act concerning homestead corporations possessed of water and water rights, providing for the regulation, control, and distribution of water for irrigation and other purposes, and for the construction and improvement of irrigation works connected therewith.

Also, that on February twentieth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 113—An Act to amend sections nine hundred and seventy-four, nine hundred and seventy-five, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and seventy-eight, and nine hundred and eighty, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to appeals to Superior Courts.

Also, that on February twentieth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 211—An Act to amend sections nine hundred and ninety-five, one thousand and sixteen, one thousand and seventeen, one thousand and twenty, one thousand and twenty-three, and one thousand and forty-one, of the Penal Code, relative to pleadings and proceedings after indictment and before the commencement of the trial.

Also, that on February twentieth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 210—An Act to amend sections eight hundred and twenty-five and eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 94, above reported, read first time, and referred to the Committee on Finance.

Assembly Bill No. 175, above reported, read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

Assembly Bills Nos. 113, 211, and 210, above reported, read first time, and referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Watson: Senate Bill No. 385—An Act to regulate the practice of pharmacy.

Read first time, and referred to the Committee on Hospitals.

By Mr. Cheney: Senate Bill No. 386—An Act to amend sections two thousand six hundred and forty-seven and two thousand six hundred and fifty of the Political Code, relating to duties of Commissioners of Highways, Boards of Supervisors, and Road Overseers.

Read first time, and referred to the Committee on Roads and Highways.

By Mr. Cheney: Senate Bill No. 387—An Act to amend section three hundred and ninety-seven of the Penal Code, relating to the sale of intoxicating liquors to drunkards or Indians, and to repeal an Act entitled "An Act to prevent the sale of intoxicating liquors to minors," approved March fourth, eighteen hundred and seventy-two.

Read first time, and referred to the Committee on Public Morals.

By Mr. Cheney: Senate Bill No. 388—An Act to provide for the payment of certain outstanding bonds of Plumas County.

Read first time, and referred to the Judiciary Committee.

By Mr. Kelly: Senate Bill No. 389—An Act to confer further powers upon the Board of State Harbor Commissioners.

Read first time, and referred to the Committee on Finance.

By Mr. Gorman: Senate Bill No. 390—An Act to prohibit the keeping of places of resort for smoking or otherwise using opium.

Read first time, and referred to the Committee on Public Morals.

By Mr. Hittell: Senate Bill No. 391—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property.

Read first time, and referred to the Committee on Judiciary.

By Mr. Hittell (by request): Senate Bill No. 392—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relating to postponement of trials.

Read first time, and referred to the Committee on Judiciary.

By Mr. Lampson: Senate Bill No. 393—An Act entitled an Act to authorize D. M. Kenfield to sue the State of California.

Read first time, and referred to the Judiciary Committee.

By Mr. Nye: Senate Bill No. 394—An Act to amend section eight hundred and eleven of the Penal Code, concerning the jurisdiction of Magistrates.

Also: Senate Bill No. 395—An Act to provide for the payment of the Judges of the Superior Courts in this State.

Also: Senate Bill No. 396—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the levy of attachments.

Each of the above bills read first time, and referred to the Judiciary Committee.

GENERAL FILE.

Senate Bill No. 228, withdrawn by the author.

Senate Bill No. 274, passed temporarily on the file.

By leave, Mr. Hittell introduced the following resolution out of order:

Resolved, That the Committee on City and Town Government be authorized to employ a Clerk, during such time as may be necessary, at a salary of five dollars per day.

Read and referred to the Committee on Contingent Expenses and Mileage.

Senate Bill No. 321—An Act making an appropriation for the improvement of L Street, between Tenth and Fifteenth Streets, in the City and County of Sacramento.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Assembly Bill No. 205—An Act making appropriation for the salaries of the Chief Justice and Associate Justices of the Supreme Court of the State of California for the balance of the thirty-first fiscal year ending June thirtieth, eighteen hundred and eighty.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the general file.

Assembly Bill No. 206—An Act making appropriation for the State's portion of the salaries of the Superior Judges of the State of California for the balance of the fiscal year ending June thirtieth, eighteen hundred and eighty.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the general file.

Senate Bills Nos. 188 and 7, on motion of Mr. Johnson, made the special order for Thursday next, at eleven o'clock A. M.

Assembly Bill No. 288—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the thirtieth fiscal year.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the general file.

Assembly Bill No. 289—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the twenty-ninth fiscal year.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the general file.

Senate Bill No. 92—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-five of the Political Code, relative to the State Library.

Senate Bill No. 98—An Act to provide for the government of the State Library.

Substitute offered for both of the above bills.

Read second time.

Senate considered as in Committee of the Whole.

Substitute adopted.

Upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Johnson, Satterwhite, and Enos, and the bill ordered engrossed by the following vote:

AYES—Messrs. Baker, Carlock, Cheney, Dickinson, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Sears, Traylor, Watson, Wendell, and Zuck—17.

NOES—Messrs. Anderson, Burt, Chase, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Ryan, Satterwhite, and West—13.

Senate Bill No. 253—An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide a bounty for the same," approved March thirtieth, eighteen hundred and seventy-eight.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 232—An Act concerning the trial of escaped convicts from the State Prison, and the costs of the same.

Read second time.

Senate considered as in Committee of the Whole.

Substitute adopted, and ordered engrossed.

Senate Bill No. 234—An Act concerning the trials of convicts for crimes committed in the State Prison, and the costs of the same.

Read second time.

Senate considered as in Committee of the Whole.

Substitute adopted, and bill ordered engrossed.

Senate Bill No. 311—An Act to appropriate money to the California Artificial Stone Paving Company to pay the balance due the Company for laying down the stone walks and avenues about the Capitol grounds.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 259—An Act to regulate the cleansing of streets in cities and towns of the State of California.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Dickinson moved to recommit the bill to the Committee on Judiciary, with instructions to report the same back to-morrow morning.

RECESS.

During the discussion of the same, the hour of recess having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Further consideration of Senate Bill No. 259.

The motion of Mr. Dickinson, to recommit to the Committee on Judiciary, with instructions to report to-morrow morning, was put and carried, and the bill referred in accordance therewith.

GENERAL FILE—CONTINUED.

Assembly Concurrent Resolution No. 11—Relative to the establishment of a Dead Letter Office in San Francisco.

Read third time, and the Senate concurred in the resolution by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—32.

NOES—Mr. Davis—1.

The title was then read, and the same approved as read.

SPECIAL ORDER FOR TWO O'CLOCK P. M.

Resolution of Mr. Johnson, relative to the holding of night sessions, read, and upon the adoption of the resolution the ayes and noes were demanded by Messrs. Davis, Johnson, and Conger, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—Messrs. Conger and Satterwhite—2.

Resolution adopted.

Assembly Bill No. 30—An Act to repeal section one thousand two hundred and twenty-two of the Code of Civil Procedure, relating to judgments and orders in cases of contempt.

Read third time.

Mr. Enos announced that he was paired with Mr. Neumann on the vote upon the passage of the bill.

The roll was called, and the Senate refused to pass the bill by the following vote:

AYES—Messrs. Baker, Burt, Chase, Cheney, Conger, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Rowell, Wendell, West, and Zuck—15.

NOES—Messrs. Anderson, Brown, Carlock, Davis, Dickinson, Glascock, Gorman, Harlan, Hittell, Nelson, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—17.

Senate Bill No. 22—An Act prohibiting savings banks, or savings and loan societies, and the attorneys, counselors, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to such banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies.

Read third time, and, the bill not receiving a constitutional majority, was lost by the following vote:

AYES—Messrs. Burt, Chase, Conger, Enos, Gorman, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Nelson, Rowell, Ryan, Satterwhite, Sears, Watson, and West—18.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Davis, Dickinson, Glascock, Harlan, Hittell, Johnston, Langford, Neumann, Nye, Pardee, Traylor, Wendell, and Zuck—17.

Senate Bill No. 2.

Mr. Zuck moved that it be placed at the head of the file for Friday evening.

Carried.

NOTICE OF RECONSIDERATION.

By Mr. Ryan:

MR. PRESIDENT: I hereby give notice that I will, to-morrow, move to reconsider the vote by which Assembly Bill No. 30 was negatived.

Senate Bill No. 279—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, relating to the use of opium.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 89—An Act providing a punishment for violating section seventeen, of article eleven, of the Constitution.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 236—An Act to amend section six of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—32.

NOES—Messrs. Gorman and Nelson—2.

The title was then read, and the same approved as read.

Senate Bill No. 263—An Act prohibiting the keeping or sale of animals afflicted with the glanders or other contagious or infectious diseases.

Recommitted, on motion of Mr. Hittell, to the author, with instructions to amend and report to-morrow morning.

Senate Bill No. 306—An Act relating to the intoxication of officers.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—33.

NOES—Mr. Anderson—1.

The title was then read, and the same approved as read.

Senate Bill No. 307—An Act relating to swindling by cards or other means.

On motion of Mr. Dickinson, recommitted to the author with instructions to amend and report as soon as possible.

Senate Bill No. 245—An Act to amend section three thousand four hundred and eighty-one of the Political Code.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 383, introduced on Saturday by Mr. West, and ordered printed without being read, now taken up and read first time, and referred to the Committee on Education.

Also, Senate Bill No. 384, introduced on Saturday by Mr. Neumann, now taken up, read first time, and referred to the Committee on Education.

COMMUNICATION OF STATE ENGINEER.

The following report was received from the State Engineer:

STATE OF CALIFORNIA, OFFICE OF THE STATE ENGINEER, }
SACRAMENTO, February 24th, 1880. }

Hon. John Mansfield, President of the Senate:

SIR: In view of the fact that there has been unavoidable delay in the preparation of some portions of my report, I now respectfully announce that part four—a *Report on irrigation*—is completed, in the hands of the printer, and more than half in type, so that it will be, I hope, ready for final presentation before the end of the present week; and that part three—a *Report on the flow of mining debris*—is nearly completed, so that a portion of it goes to the printer to-day, and the whole will be finally submitted on Saturday of the present week.

Very respectfully,

WM. HAM. HALL, State Engineer.

Duplicate sent to Hon. J. F. Cowdery, Speaker of the Assembly.

ADJOURNMENT.

At five o'clock and one minute P. M., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 25th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

Mr. Conger presented the certificate of election of Mr. Desty as Senator from the Eighth Senatorial District.

Mr. Johnson moved that the certificate be returned to Senator Conger, without action, by the Senate.

Mr. Conger asked leave to withdraw the certificate.

Objections made.

Upon the motion of Mr. Johnson, the ayes and noes were

demanding by Messrs. Johnson, Davis, and Lampson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—30.

NOES—Messrs. Conger, Glasecock, Gorman, Moreland, Nelson, Ryan, Satterwhite, and West—8.

Carried.

SPECIAL ORDER, DIRECTLY AFTER READING JOURNAL, TO CONTINUE UNTIL DISPOSED OF.

Consideration of majority and minority reports of Joint Committee on Revenue and Taxation, with substitute bill from each for Senate Bills Nos. 101, 120, 188, 196, 199, 206, and 280.

The hour having arrived for the consideration of the special order for eleven o'clock A. M., the same, on motion of Mr. Johnson, was continued until after the disposition of the special order now under consideration.

Mr. Johnson, in reference to the revenue bills, moved that so much of article four of the Constitution be dispensed with as required bills to be read at length on three several days, on the ground of urgency.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Glasecock, Hudson, Johnson, Lampson, Moreland, Neumann, Pardee, Rowell, Sears, and Traylor—18.

NOES—Messrs. Enos, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Nye, Pool, Ryan, Satterwhite, Watson, Wendell, West, and Zuck—17.

Lost.

Mr. Baker moved that the substitute, as reported by the majority of the Finance Committee, be read at length, which reading shall be considered the first reading of the bill.

Carried.

Mr. Pardee, for Finance Committee, introduced Senate Bill No. 397—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and sixty-four, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to add a new section to, and to reenact section three thousand seven hundred and seventeen of, title nine, of the Political Code, to provide revenue for the support of the government of the State.

Read first time.

RESOLUTION.

' By Mr. Neumann:

Resolved, That section fifteen, of article four, of the Constitution, and the Rule Number Six of the Standing Rules of the Senate, be dispensed with, and that the substitute bill for Senate Bills Nos. 101, 120, 138, 196, 199, 206, and 280, offered by the Committee on Finance, and read for the first time, be now put upon its second reading, on the ground of urgency.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Hill, Hittell, Hudson, Johnson, Neumann, Pardee, Pool, Rowell, Sears, Traylor, and Watson—17.

NOES—Messrs. Anderson, Chase, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Ryan, Satterwhite, Wendell, West, and Zuck—20.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

One day's leave of absence granted Senator George.

Mr. Moreland, for the minority of the Finance Committee, introduced the following bill:

Senate Bill No. 398—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections thereto, to be numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Read first time.

Mr. Moreland moved that both bills, as reported by the majority and minority of the Finance Committee, be referred to the Committee of the Whole, and that the same be made the special order for to-morrow morning immediately after the reading of the Journal. Carried.

GENERAL FILE—THIRD READING.

Senate Bill No. 226—An Act to amend section one thousand five hundred and eighty-six of the Penal Code, relating to the transportation of convicts to the State Prisons.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—Mr. Kane—1.

The title was then read, and the same approved as read.

Senate Bill No. 227—An Act to amend section two thousand two hundred and twenty-one of the Political Code, relating to transportation of insane persons to Asylums.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—37.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 254, on motion of Mr. Johnston, was indefinitely postponed.

Senate Concurrent Resolution No. 14—Relative to modification of the Burlingame Treaty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—Messrs. Chase, Hudson, and Kane—3.

The title was then read, and the same approved as read.

Senate Bill No. 283—An Act to confer power upon incorporated cities and towns to remove Chinese without the limits of such cities and towns, or to provide for their location within prescribed portions of their limits.

Read third time.

During the consideration of the same, the hour for the consideration of the special order for three o'clock having arrived, the same, on motion of Mr. Watson, was postponed one week.

Senate Bill No. 283 passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—30.

NOES—Messrs. Dickinson, Glascock, Hittell, Lampson, and Neumann—5.

The title was then read, and the same approved as read.

Mr. Satterwhite moved that the special orders for three o'clock P. M. be postponed, and made the special order for Saturday next, at one o'clock and thirty minutes P. M.

Carried.

Mr. Satterwhite moved that the rules be suspended, and the general file be continued.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Johnson, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—26.

NOES—Messrs. Chase, Davis, Glascock, Hittell, Kane, Neumann, Sears, and Wendell—8.

Carried.

Senate Bill No. 211—An Act to amend section one thousand four hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors.

Read third time, and lost by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Davis, Enos, Gorman, Hudson, Johnson, Kane, Kelly, Moreland, Nelson, Rowell, Watson, and West—16.

NOES—Messrs. Anderson, Cheney, Conger, Dickinson, Glascock, Harlan, Hittell, Johnston, Lampson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, and Zuck—19.

Mr. Satterwhite gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 211 was lost.

Mr. Johnson moved that the notice given by Mr. Ryan, yesterday, that he would move a reconsideration of the vote whereby Assembly Bill No. 30 was lost, be made the special order for Tuesday at one o'clock and thirty minutes P. M.

Carried.

RECESS.

Mr. Johnson moved that the Senate take a recess until seven o'clock and thirty minutes P. M.

Carried.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

Quorum present.

REPORT OF JUDICIARY COMMITTEE.

Mr. Nye, verbally reporting, for the majority of the Judiciary Committee, Senate Bill No. 392, and recommending its passage.

Mr. Nye, for himself, a minority of the Judiciary Committee, verbally reported against Senate Bill No. 392, and recommended that the same do not pass.

GENERAL FILE—RESUMED.

Senate Bill No. 392—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relating to the postponements of trials.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Mr. Sears moved that Senate Bills Nos. 78 and 79 be passed on the file.

Lost.

Senate Bill No. 78—An Act to pay the claim of Hiram Clock for services rendered as Porter to the Senate at the Twenty-second Session.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, Wendell, and West—31.

NOES—Messrs. Moreland, Nye, Rowell, Sears, and Zuck—5.

The title was then read, and the same approved as read.

Senate Bill No. 79—An Act to pay the claim of James Saultry for services rendered as Head Porter of the Senate of the Twenty-second Session.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, and Wendell—31.

NOES—Messrs. Moreland, Nye, Rowell, Sears, West, and Zuck—6.

The title was then read, and the same approved as read.

Senate Bill No. 183, on motion of Mr. Wendell, was recommitted to the Judiciary Committee with special instructions.

Senate Bill No. 304—An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San Francisco, approved March ninth, eighteen hundred and seventy.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—29.

NOES—Messrs. Kane, Moreland, Nye, Rowell, and Sears—5.

The title was then read, and the same approved as read.

Senate Concurrent Resolution No. 11—Relative to the utilization of convict labor.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 52—An Act to amend sections three thousand four hundred and ninety-one and three thousand four hundred and ninety-two of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to public nuisances.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—34.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 54—An Act to amend sections three hundred and ten and three hundred and eleven of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the enactment of statutes.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—34.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 46—An Act to amend sections three thousand nine hundred and seventy-seven, three thousand nine hundred and seventy-nine, three thousand nine hundred and eighty-one, and three thousand nine hundred and eighty-four, and to repeal section three thousand nine hundred and seventy-eight, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the removal of county seats.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—34.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners.

Read third time.

Mr. Wendell moved to recommit the bill to the Judiciary Committee, with instructions to amend as follows: Amend by striking out section eleven of the bill, and inserting in lieu thereof the following:

SECTION 11. Whenever said Board, in the discharge of its duties, shall establish or adopt rates of charges for the transportation of passengers and freight, pursuant to the provisions of the Constitution, said Board shall serve a printed schedule of such rates, and of any changes that may be made in such rates, upon the person, copartnership, company, or corporation affected thereby, and upon such service it shall be the duty of such person, copartnership, company, or corporation, to immediately cause copies of the same to be posted in all its offices, station houses, warehouses, and landing offices, affected by such rates or changes of rates, in such manner

as to be accessible to public inspection during usual business hours. Said Board shall also make such further publication thereof as they shall deem proper and necessary to the public good. If the party to be served as hereinbefore provided be a corporation, such service may be made upon the President, Vice-President, Secretary, or Managing Agent thereof; and if a copartnership, upon any partner thereof. The rates of charges established or adopted by said Board pursuant to the Constitution and this Act shall go into force and effect on the twentieth day after service of said schedule of rates, or changes in rates, upon the person, copartnership, company, or corporation, affected thereby, as hereinbefore provided.

Mr. Satterwhite announced that he was paired with Mr. Pardee upon the vote as to recommitment—Mr. Satterwhite voting aye and Mr. Pardee voting no.

The ayes and noes were demanded by Messrs. Wendell, Burt, and Brown, and the bill recommitted by the following vote:

AYES—Messrs. Burt, Carlock, Chase, Cheney, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Lampson, Langford, Moreland, Nye, Rowell, Wendell, West, and Zuck—19.

NOES—Messrs. Anderson, Baker, Brown, Conger, Dickinson, Enos, Johnson, Johnston, Kelly, Nelson, Neumann, Pool, Ryan, Sears, Traylor, and Watson—16.

Senate Bill No. 240—An Act to repeal an Act entitled an Act relating to advances bona fide made to agents intrusted with goods, and for the better protection of such advances, approved March thirtieth, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Upon motion of Mr. Ryan, Senate Bill No. 225 was recommitted to the Judiciary Committee, with special instructions to amend.

Senate Bill No. 336—An Act to provide for the erection of a building for the use of the Normal School.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—29.

NOES—Messrs. Anderson, Glascock, Harlan, Hittell, Langford, and Moreland—6.

The title was then read, and the same approved as read.

Senate Bill No. 329 passed temporarily on the file.

Senate Bill No. 335—An Act providing for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing at the Presidio.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Pool, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—29.

NOES—Messrs. Kane, Nye, Rowell, and Sears—4.

The title was then read, and the same approved as read.

Senate Bill No. 153—An Act to amend section one thousand one hundred and forty-four of the Code of Civil Procedure, relating to discharge of persons imprisoned on civil process.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—33.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 182—An Act to amend the Penal Code by adding a new section thereto, to be known as section nine hundred and twenty-eight, relating to the duties of the grand jury.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—33.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 248—An Act to amend sections eight hundred and seventy-one and nine hundred of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—33.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 252—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Wendell, West, and Zuck—31.

NOES—Messrs. Lampson and Moreland—2.

The title was then read, and the same approved as read.

Senate Bill No. 261—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to granting of letters of administration.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—34.

NOES—None.

The title was then read, and the same was approved as read.

Senate Bill No. 265—An Act to enable the San Francisco Society for the Prevention of Cruelty to Animals to take under wills.

Mr. Nye moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Enos, Johnson, and Hill, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Conger, Dickinson, Glascock, Gorman, Hittell, Kelly, Lampson, Langford, Moreland, Nye, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—21.

NOES—Messrs. Brown, Chase, Enos, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Nelson, Neumann, Ryan, Traylor, and Watson—14.

Carried.

Senate Bill No. 296—An Act to appropriate money for the support of orphans, half orphans, and abandoned children.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—34.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 205—An Act making appropriation for the salaries of the Chief Justice and Associate Justices of the Supreme Court of the State of California for the balance of the thirty-first fiscal year ending June thirtieth, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Traylor, Wendell, West, and Zuck—29.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 206—An Act making appropriation for the State's portion of the salaries of the Superior Judges of the State of California for the balance of the fiscal year ending June thirtieth, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Traylor, Wendell, and West—28.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 288—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the thirtieth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Traylor, and Wendell—27.

NOES—Mr. Kane—1.

The title was then read, and the same approved as read.

Assembly Bill No. 289—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the twenty-ninth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Traylor, and Wendell—26.

NOES—Mr. Kane—1.

The title was then read, and the same approved as read.

ADJOURNMENT.

At nine o'clock and thirty-two minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 26th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

RESOLUTION.

Mr. Hittell, by leave, introduced the following resolution:

Resolved, That the Superintendent of Public Printing be directed to have the Senate File printed and ready for distribution on the desks of Senators by nine o'clock in the morning.

Adopted.

Mr. West moved to change the reference of Senate Bill No. 383 from the Committee on Education to the Committee on Public Buildings.

Carried.

Pursuant to the notice given yesterday Mr. Satterwhite now moved a reconsideration of the vote whereby Senate Bill No. 211 was lost.

Carried.

Mr. Satterwhite moved that Senate Bill No. 211 be recommitted to the Committee on Irrigation, with special instructions to amend by striking out the following words in first section: "Such rights are subject to condemnation for irrigating purposes in the manner provided by title seven, part third, of the Code of Civil Procedure."

Carried.

PETITIONS.

By leave, Mr. Ryan introduced the following petition:

To the Honorable, the Senate and House of Representatives of the State of California, in Legislature convened:

The undersigned, officers of the Mendocino County Agricultural Association, most respectfully

request your honorable body to pass the Act, now before the Legislature, placing Agricultural Associations under State control.

This 14th day of February, 1880.

O. SIMONSON, President.
B. B. CAPELL, Vice-President.
W. H. YOUNG, Secretary.
HIRAM WILLITS, Treasurer.
W. L. BROCUS, Director.
P. T. MUIR, Director.
E. F. DE CAMP, Director.
E. C. BUELL, Director.
PHILIP UPP, Director.

Read, and referred to the Committee on Agriculture.

By Mr. Davis—A petition from the citizens of Marysville protesting against the passage of Senate Bills Nos. 188 and 7.

Read, and referred to the Committee on Corporations.

On motion of Mr. Hudson, Senate Bill No. 156 was made the special order for Wednesday next, at three o'clock P. M.

Mr. Enos offered the following report:

SENATE CHAMBER, SACRAMENTO, February 25th, 1880.

MR. PRESIDENT: The undersigned, to whom was referred Senate Bill No. 263, begs leave to report back to the Senate, and recommend the passage of the amended bill herewith reported.

JNO. S. ENOS.

By Mr. Cheney—A petition from the citizens of Chico deploring the loss of the State Normal School buildings, and advising an appropriation for its immediate reconstruction.

Read, and referred to the Committee on Public Buildings.

SPECIAL ORDERS DIRECTLY AFTER READING JOURNAL, TO CONTINUE UNTIL DISPOSED OF.

Senate Bill No. 397—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to add a new section, to be numbered three thousand six hundred and sixty-four to, and to re-enact section three thousand seven hundred and seventeen of, title nine, of the Political Code, to provide revenue for the support of the government of the State.

Senate Bill No. 398—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty,

three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty, and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

President pro tem. Baker in the chair.

Mr. Moreland moved that the minority report of the Committee on Finance be substituted for the majority report of said committee, and that the same be taken up for consideration.

RECESS.

During the discussion of the motion, the hour for recess having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

FURTHER CONSIDERATION OF SPECIAL ORDER.

Mr. Johnson moved that the further consideration of the special order, Senate Bills Nos. 397 and 398, be continued and made the special order for to-morrow at eleven o'clock a. m., to the exclusion of all other business.

Upon which the ayes and noes were demanded by Messrs. Moreland, Burt, and Lampson, with the following result:

AYES—Messrs. Chase, Cheney, Conger, Davis, Dickinson, Hittell, Johnson, Johnston, Neumann, Pool, Ryan, Traylor, Watson, and Zuck—14.

NOES—Messrs. Anderson, Baker, Burt, Enos, Glasecock, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Satterwhite, Sears, Wendell, and West—22.

Lost.

RESOLUTIONS.

Mr. Dickinson, by unanimous consent, introduced the following resolution out of order:

Resolved by the Senate, the Assembly concurring, That a joint committee of the Senate and Assembly, consisting of two members of each House, to be appointed by the presiding officers of said Houses, be appointed, with power to employ and retain, by and with the advice and consent of the Attorney-General, additional counsel to represent the State of California in the cases now pending to test the validity of the legislation hitherto enacted under article nineteen of the Constitution, and set for argument upon the twenty-eighth instant.

Resolved, That the sum of ten thousand dollars be appropriated from the Contingent Fund of this Legislature to recompense the services of said counsel, and that the Controller draw his warrant in favor of counsel employed by said committee upon the presentation of their claims, approved by said committee.

Mr. Nye moved to amend by striking out ten thousand dollars, and request the Honorable John Garber and the Honorable Samuel Dwinelle to assist the Attorney-General in the prosecution of the anti-Chinese bill, without compensation.

Mr. Davis introduced the following as a substitute for the whole matter:

Resolved by the Senate, the Assembly concurring, That the Legislature invite all members of the legal profession of this State to volunteer their services in defense of the law recently passed, prohibiting corporations employing Chinese, the constitutionality of which is about to be tested in the Circuit Court of the United States at San Francisco.

At four o'clock and forty minutes p. m. Mr. Johnston moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Moreland, Wendell, and Davis, and the motion lost by the following vote:

AYES—Messrs. Anderson, Burt, Johnson, and Johnston—4.

NOES—Messrs. Baker, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Moreland, Baker, and Wendell, and the substitute lost by the following vote:

AYES—Messrs. Chase, Davis, Harlan, Hittell, Hudson, Johnston, Lampson, Langford, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—15.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Hill, Johnson, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Satterwhite, Traylor, and Wendell—22.

Upon the amendment, as offered by Mr. Pardee, the ayes and noes were demanded by Messrs. Wendell, Baker, and Johnson, and the amendment lost by the following vote:

AYES—Messrs. Chase, Davis, Glascock, Gorman, Hittell, Johnston, Kane, Lampson, Langford, Pardee, Pool, Ryan, Sears, Watson, West, and Zuck—16.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Conger, Dickinson, Enos, Harlan, Hill, Hudson, Johnson, Kelly, Moreland, Nelson, Neumann, Nye, Rowell, Satterwhite, Traylor, and Wendell—21.

The question now recurring upon the original resolution, the ayes and noes were demanded by Messrs. Johnson, Enos, and Zuck, and the resolution was declared lost by the following vote:

AYES—Messrs. Anderson, Carlock, Cheney, Conger, Enos, Johnson, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Traylor, and Watson—15.

NOES—Messrs. Baker, Burt, Chase, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Lampson, Langford, Pardee, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—22.

Mr. Sears moved that the special order for to-day, Senate Bills Nos. 397 and 398, be made the special order for to-morrow, immediately after the reading of the Journal.

Mr. Moreland moved, as an amendment, that they be made the special order for seven o'clock and thirty minutes P. M. to-day.

Lost.

The original motion prevailed.

NOTICE OF RECONSIDERATION.

By Mr. Dickinson:

MR. SPEAKER: I hereby give notice that, on to-morrow, I will move a reconsideration of the vote by which the resolution introduced by me, for the employment of counsel in the Chinese cases, was lost.

Mr. Sears moved that all special orders now on the file, and not otherwise disposed of, continue as special orders upon the same in their respective places.

Carried.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 27th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

Mr. Johnson, Chairman of the Committee on Irrigation, Water Rights, and Drainage, verbally reported back Senate Bill No. 211, with amendments, and recommended its passage as amended.

SPECIAL ORDERS, THURSDAY, FEBRUARY TWENTY-SIXTH, DIRECTLY
AFTER READING JOURNAL, TO CONTINUE UNTIL DISPOSED OF.

Senate Bill No. 397—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to add a new section to be numbered three thousand six hundred and sixty-four to, and to reenact section three thousand seven hundred and seventeen of, title nine, of the Political Code, to provide revenue for the support of the government of the State.

Senate Bill No. 398—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Mr. Johnston moved that the special order be continued for the purpose of allowing the standing committees to report.

The roll was called, and the Senate refused to suspend the special order by the following vote:

AYES—Messrs. Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Johnston, Kane, Kelly, Neumann, Rowell, Ryan, Satterwhite, Traylor, and Watson—16.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Glasscock, Harlan, Hall, Lampson, Langford, Moreland, Nye, Pool, Sears, Wendell, West, and Zack—18.

The question now recurred upon the motion of Mr. Moreland, of yesterday, to substitute the minority report from the Committee on Finance for the majority report of said committee.

RECESS.

During the discussion of the same, at twelve o'clock and sixteen minutes P. M., on motion of Mr. Johnson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

FURTHER CONSIDERATION OF THE MOTION OF MR. MORELAND.

Mr. Dickinson, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby a resolution, relating to the employment of counsel to assist the Attorney-General in testing the constitutionality of certain laws, was lost.

Mr. Hill moved to lay the motion to reconsider on the table.

Carried.

The question now recurred upon the motion of Mr. Moreland to substitute the minority for the majority report of the Committee on Finance.

Upon which the ayes and noes were demanded by Messrs. Wendell, Enos, and Johnson, and the substitute was adopted by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Rowell, Satterwhite, Wendell, West, and Zuck—21.

NOES—Messrs. Baker, Brown, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, and Watson—18.

RECESS.

At five o'clock and two minutes P. M., on motion of Mr. Chase, the Senate took a recess until seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

By leave, Mr. Ryan called up Senate Bill No. 96—An Act to amend sections one and two of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March thirtieth, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—34.

NOES—None.

The title was then read, and the same approved as read.

Mr. Baker moved that Senate Bill No. 2, special order for this evening, be postponed and made the special order for next Wednesday evening, and that the further consideration of Senate Bills Nos. 397 and 398 be continued.

The ayes and noes were demanded by Messrs. Wendell, Enos, and Johnson, and the roll called with the following result:

AYES—Messrs. Baker, Cheney, Conger, Dickinson, George, Hittell, Hudson, Pardee, Rowell, Sears, and Watson—11.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Enos, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—28.

Lost.

REPORTS OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, February 26th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

CHENEY, Chairman.

Also:

SENATE CHAMBER, February 26th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: No. 392—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relating to postponement of trials.

Substitute for Senate Bill No. 232—An Act concerning the trial of escaped convicts from the State Prison, and the costs of the same.

Substitute for Senate Bill No. 234—An Act concerning the trial of convicts for crimes committed in the State Prison, and the costs of the same.

CHENEY, Chairman.

Also:

SENATE CHAMBER, February 26th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 321—An Act making an appropriation for the improvement of L Street, between Tenth and Fifteenth Streets, in the City and County of Sacramento.

Substitute for Senate Bills Nos. 92 and 98—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library.

Senate Bill No. 253—An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide a bounty for the same," approved March thirtieth, eighteen hundred and seventy-eight.

Senate Bill No. 311—An Act to appropriate money to the California Artificial Stone Paving Company, to pay the balance due the company for laying down the stone walks and avenues about the Capitol grounds.

CHENEY, Chairman.

Mr. Sears moved that the rules be suspended, and that the Senate take up Senate Bills Nos. 188 and 7.

The ayes and noes were demanded by Messrs. Enos, Johnson, and Baker, and the roll called with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Davis, George, Harlan, Hill, Hudson, Johnson, Kelly, Moreland, Pardee, Pool, Rowell, Sears, Traylor, Watson, West, and Zuck—24.

NOES—Messrs. Chase, Cheney, Conger, Dickinson, Enos, Glasecock, Gorman, Hittell, Johnston, Kane, Lampson, Langford, Nelson, Neumann, Nye, Ryan, Satterwhite, and Wendell—18.

The Chair declared the motion carried.

Mr. Enos appealed from the decision of the Chair.

Mr. Sears withdrew the motion.

Mr. Enos withdrew the appeal.

At eight o'clock and fifteen minutes p. m. Mr. Pardee moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Burt, Brown, and Chase, and the motion lost by the following vote:

AYES—Messrs. Cheney, Davis, Enos, George, Harlan, Pardee, Satterwhite, and Wendell—8.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Conger, Dickinson, Glasecock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—30.

Mr. Brown moved that Senate Bills Nos. 7 and 188 be made the special order for next Wednesday evening, at seven o'clock and thirty minutes p. m.

Lost.

SPECIAL ORDER FOR FRIDAY EVENING, FEBRUARY TWENTY-SEVENTH, AT HEAD OF FILE.

Senate Bill No. 2—An Act to prevent the accumulation of large landed estates.

Read third time.

Mr. Zuck moved to recommit the bill to the Judiciary Committee, with instructions to amend section one by inserting the following:

SECTION 1. From and after the first day of January, eighteen hundred and eighty-one, it shall be unlawful for any person to transfer by will or devise any greater number than six hundred and forty acres of land to any one person, nor shall any person receive by devise any greater number than six hundred and forty acres of land by and through any one devise. All land owned by any person and not devised shall, at the death of such person, be distributed to the heirs of said person, according to the statute of descents and distribution.

At ten o'clock and forty minutes p. m. Mr. Traylor moved to adjourn.

Lost.

Upon the amendment, the ayes and noes were demanded by Messrs. Zuck, Johnson, and Conger, and lost by the following vote:

AYES—Messrs. Baker, Burt, Brown, Glasecock, Nelson, Rowell, West, and Zuck—8.

NOES—Messrs. Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Pool, Ryan, Traylor, Watson, and Wendell—26.

The question now recurred upon the passage of the bill.

The roll was called, and the Senate refused to pass the bill by the following vote:

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 12—An Act to amend sections one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-five, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-two, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-five, one thousand seven hundred and ninety-one, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-five, and to repeal sections one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight, one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, one thousand eight hundred and seventy-two, one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, one thousand seven hundred and forty-six, one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, one thousand seven hundred and fifty-two, one thousand seven hundred and fifty-three, one thousand seven hundred and fifty-seven, and one thousand seven hundred and fifty-eight, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to public schools.

Also, Senate Bill No. 102—An Act to amend that part of the Political Code relating to public schools, and to repeal other Acts relating thereto.

Also, Senate Bill No. 214—An Act to amend section one thousand six hundred of the Political Code, in reference to challenges at school elections.

Have had the same under consideration, and report the same back with a substitute for said bills, and recommend the passage of the substitute.

DAVIS, Chairman.

By request of Mr. Davis, the substitute, as above reported, double the usual number of copies was ordered printed as soon as possible, denominating the same as Senate Bill No. 399.

By leave, Mr. Hittell called up Senate Bill No. 392—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relating to postponement of trials.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glasseck, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Pool, Sears, Traylor, Watson, Wendell, and Zuck—30.
NOES—Messrs. Nye, Pardee, and Rowell—3.

The title was then read, and the same approved as read.

Mr. Johnson moved that the special orders be temporarily postponed, to give time for the standing committees to report, and petitions to be received.

Mr. Davis moved to amend by also giving time for the presentation of bills.

Lost.

Original motion prevailed.

PETITIONS.

By Mr. Moreland—A petition from Enterprise Lodge No. 356, I. O. G. T., of Guerneville, protesting against the passage of the bill now before the Legislature appropriating twelve thousand dollars for the manufacture of wines.

Referred to the Committee on Public Morals.

Also, a petition from citizens of the State, asking the present Legislature to enact such a law as will permit the women citizens of the State to vote on all questions pertaining to schools, school committees, and educational interests, and not restricted by the State Constitution to qualified electors.

Referred to the Committee on Elections.

Also, a petition from citizens, asking the present Legislature to enact such a law as will permit the women citizens of this State to vote for electors of President and Vice-President of the United States.

Referred to Committee on Elections.

Also, a petition from citizens, asking for the enactment of a law conferring upon the wife the right to succeed to the community property on the death of the husband, as he is now empowered to do upon the death of the wife.

Referred to the Judiciary Committee.

By Mr. Nye—A petition from citizens of San Francisco and Oakland, asking for the passage of a law prohibiting the keeping open of saloons, or sale of intoxicating liquors, on Sunday.

Referred to the Committee on Public Morals.

By Mr. Glascock—A petition from citizens of Colusa County, protesting against the passage of Senate Bill No. 188, now before the Legislature.

Referred to Committee on Corporations.

By Mr. Brown—A petition from citizens of Placerville, protesting against the passage of Senate Bill No. 188, now before the Legislature.

Referred to the Committee on Corporations.

By Mr. Sears—A petition from citizens of Saucelito, asking that section three thousand and four of the Political Code, relating to the location of quarantine grounds at the anchorage at Saucelito, and section three thousand and twenty-two of same Code, providing for the erection of suitable hospitals at Saucelito, be so amended as to provide some other locality for the above purposes.

Referred to Committee on Hospitals.

REPORTS OF STANDING COMMITTEES.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, February 28th, 1880.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, and Drainage, to whom was referred Assembly Bill No. 227—An Act authorizing the Board of Supervisors in the counties in which water is sold for the purpose of irrigation, to fix the rates at which such water shall be sold—have considered the same, and recommend that it do pass.

Your committee have also considered Senate Bill No. 260—An Act to repeal section one thousand and hundred and twenty-two of the Civil Code, and report the same back with the recommendation that it do pass.

JOHNSON, Chairman.

By Mr. Hittell:

SENATE CHAMBER, February 25th, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was recommended Senate Bill No. 299—An Act to regulate the cleaning of streets in cities and towns, etc

—begs leave to report the same back for action thereon by the Senate. While some members of the committee express a desire and determination to withdraw from the previous report of the committee, that the subject of cleaning the streets of cities and towns was, and of right ought to be, a matter of purely local and municipal concern, other members of the committee adhere to such previous report. The latter still are of opinion that the Legislature ought not to meddle, or attempt to prescribe with what kind of instruments a city should clean her streets, and therefore still think that the bill should be indefinitely postponed.

By Mr. Johnston:

HITTELL, Chairman.

SENATE CHAMBER, SACRAMENTO, February 19th, 1880.

MR. PRESIDENT: The Committee on Swamp Lands, to whom was referred Senate Bill No. 246, have had the same under consideration, and report the same back to the Senate, and recommend the following amendment: Amend by striking out in section one, in line ten, the word "ten," and inserting in lieu the word "twenty," and recommend its passage as amended.

JOHNSTON, Chairman.

Also:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 195, have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

JOHNSTON, Chairman.

By Mr. Davis:

SENATE CHAMBER, February 27th, 1880.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 40—An Act to repeal an Act entitled "An Act to prevent changes in the text-books in the public schools"—have had the same under consideration, and report the same back, recommending its passage.

Also, Senate Bill No. 41—An Act to amend section fifteen hundred and three, and to repeal section fourteen hundred and ninety-five, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, and relating to the State Normal School—and report the same back, and recommend its passage.

Also, Senate Bill No. 340—An Act to protect public schools—and report the same back with amendments, and recommend its passage as amended.

DAVIS, Chairman.

By Mr. Carlock:

SENATE CHAMBER, February 27th, 1880.

MR. PRESIDENT: Your Committee on Fisheries and Game, to whom was referred Senate Bill No. 220—entitled an Act for the protection of certain kinds of fish—report that they have had the same under consideration, and report the same back with amendments, and recommend passage as amended.

CARLOCK, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, February 27th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 95—An Act to repeal an Act entitled "An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda"—have had the same under consideration, and report the same back with amendment, and recommend its passage as amended.

Also, Assembly Bill No. 48—An Act to amend an Act entitled "An Act relating to mutual, beneficial, and relief associations," approved March twenty-eighth, eighteen hundred and seventy-four—and report the same back, and recommend its passage.

Also, Assembly Bill No. 57—An Act to repeal an Act entitled "An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days," approved March seventh, eighteen hundred and seventy-six—and report the same back, and recommend its passage.

Also, Senate Bill No. 271—An Act to amend section four hundred and forty-nine of the Code of Civil Procedure—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 272—An Act reducing fees for the commencement of actions in Justices' Courts in the City and County of San Francisco—and report the same back, and recommend that it be referred to the Committee on City and Town Governments.

Also, Senate Bill No. 278—An Act to amend section four hundred and thirty-one of the Code of Civil Procedure—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 295—An Act to discourage and prohibit corporations and individuals from holding large tracts of land—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 287—An Act to amend section one thousand four hundred and ninety-one of the Code of Civil Procedure, relating to claims against the estates of deceased persons—and report the same back, and recommend its passage.

Also, Senate Bill No. 132—An Act to appropriate moneys out of the General Fund in the State treasury to pay the Clerk of the State Board of Equalization for services rendered as such Clerk—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 62—An Act to declare valid writs, process, and certificates issued by the Superior Courts of this State, or the Clerks thereof, between persons who shall have been legally provided with seals—and report the same back, and recommend its passage.

Also, Senate Bill No. 325—An Act to amend section five hundred and forty-four of the Code of Civil Procedure, in relation to attachments—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 326—An Act to amend section five hundred and forty-three of the Code of Civil Procedure, in relation to attachments—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 327—An Act to amend section five hundred and thirty-seven of the Code of Civil Procedure, in relation to attachments—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 330—An Act to amend section seven hundred and thirty-nine of the Code of Civil Procedure, relating to actions to determine conflicting claims to real property—and report the same back, and recommend its passage.

Also, Senate Bill No. 366—An Act to amend section six hundred and seven of the Penal Code—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 43—An Act to amend section one thousand one hundred and eighty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleven, thirteen hundred and seventy-six, relating to the laws of mechanics and others upon real property—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 160—An Act to amend sections one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and ninety, and one thousand one hundred and ninety-five, of the Code of Civil Procedure, and to add a new section to said Code, relating to laws of mechanics and others upon real property—and report the same back, and recommend its passage.

Also, Senate Bill No. 363—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State—and report the same back, and recommend that it do not pass, as in conflict with the provisions of article four, section twenty-five, subdivision nineteen, of the Constitution.

NYE, Chairman.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, February 28th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 167—An Act repealing an Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco, approved April first, eighteen hundred and seventy-eight, have had the same under consideration, and report back recommending the passage of the bill.

ENOS, Chairman.

By Mr. Hittell:

SENATE CHAMBER, February 28th, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Senate Bill No. 134—An Act for the classification of cities and towns—begs leave to report that it has had the same under consideration.

There was considerable discussion, and some difference of opinion, as to the meaning of article eleven, section six, of the Constitution, and as to the operation of the Constitution, taken as a whole, upon existing city charters. It was agreed, however, that it is the duty of the Legislature to provide, by general laws, for the incorporation, organization, and classification of cities and towns in this State in proportion to their population. The bill in question is a copy from the Missouri law upon the subject of classification.

The committee foresees great difficulty in providing a general system which will be entirely satisfactory to all cities of the same number of inhabitants; what may suit Los Angeles may not be at all satisfactory to Marysville; what may work well in Salinas may not fit Placerville; Oakland may want very different provisions from Sacramento, and so on throughout the State.

The Missouri statutes of eighteen hundred and seventy-seven provide a system of general laws for the government of cities of the different classes. To this system, upon which all the bills in the hands of the committee have been modeled, the attention of the Senate is hereby called. The subject is one of very great importance, and will soon demand the careful consideration of every Senator upon the floor. The subject of classification is merely the first step in a very difficult path which we are obliged to pursue.

The committee has deemed it proper, under the circumstances, to report back Bill No. 134, and recommend its passage; but at the same time it desires a full expression of opinion on the floor of the Senate, and all the light that can be thrown upon the subject.

The object is, of course, to adopt the best system, and it is important to start the business of

procuring such best system in the proper manner. All are interested: all should aid and assist in laying the foundations of the general plan.

HITTELL, Chairman.

By Mr. Rowell:

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Concurrent Resolution No. 25, relating to the subject of a State Hospital for consumptives, herewith report the same back to the Senate, and respectfully recommend its passage.

ROWELL, Chairman.

Also:

MR. PRESIDENT: The Senate Committee on Hospitals, to whom was referred Senate Bill No. 85, herewith report the same back to the Senate, and recommend that it be referred to the Judiciary Committee. The reason for so doing is, that the legislation proposed is in effect to reenact special laws, where, in our judgment, a general law could be made applicable. Your committee would respectfully recommend the passage of the bill, if not in conflict with the provisions of the Constitution, and would ask for a decision of the Judiciary Committee upon the legal questions involved.

ROWELL, Chairman.

By Mr. Zuck:

Resolved, That the Committee on City and Town Governments be authorized to employ a Clerk during such time as may be necessary, at a salary of five (5) dollars per diem.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage have had the foregoing under consideration, and recommend its passage.

February 28th, 1880.

ZUCK, Chairman.

Resolution above reported, on motion of Mr. Hittell, was adopted.

By Mr. Davis:

SENATE CHAMBER, February 25th, 1880.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 22—An Act to provide for the receipt and appropriation of donations to the State, or counties, or cities and counties, or cities, or towns, therein—have had the same under consideration, and report it back, recommending its passage.

DAVIS, Chairman.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, February 28th, 1880.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 219, respectfully report that they have considered the same, and now report the same to the Senate, and recommend its passage.

BAKER, Chairman.

Mr. Johnson moved that the special orders set for immediately after the reading of the Journal be made the special order for one o'clock and thirty minutes P. M., and that the introduction and first reading of bills be now in order.

Carried.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Brown: Senate Bill No. 400—An Act to amend section two thousand seven hundred and fifty-six of the Civil Code, and to add a new section to the same Code, to be known as section two thousand seven hundred and fifty-seven, concerning fire insurance.

Read first time, and referred to the Committee on Corporations.

Also: Senate Bill No. 401—An Act to add to part two, division second, of the Civil Code, a new title, to be known as title five, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred

and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining laws.

Read first time, and referred to Committee on Mines and Mining.

By Mr. Johnson: Senate Bill No. 402—An Act to amend sections one thousand one hundred and eighty-three, one thousand one hundred and eighty-four, one thousand one hundred and eighty-five, one thousand one hundred and eighty-six, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand one hundred and eighty-nine, one thousand one hundred and ninety, one thousand one hundred and ninety-one, one thousand one hundred and ninety-two, one thousand one hundred and ninety-three, one thousand one hundred and ninety-four, one thousand one hundred and ninety-five, one thousand one hundred and ninety-six, one thousand one hundred and ninety-seven, one thousand one hundred and ninety-eight, and one thousand one hundred and ninety-nine, of the Code of Civil Procedure, and to add three new sections, to be known as sections one thousand two hundred, one thousand two hundred and one, and one thousand two hundred and two, relating to liens of mechanics and others.

Read first time, and referred to the Committee on Judiciary.

By Mr. Carlock: Senate Bill No. 403—An Act to provide for removing obstructions in Pitt River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning ground of the head-water of said river and its tributaries.

Read first time, and referred to the Committee on Fish and Game.

By Mr. Zuck: Senate Bill No. 404—An Act to add a new section to the Political Code, to be known as section two thousand seven hundred and fifteen, relating to public highways.

Read first time, and referred to the Committee on Roads and Highways.

By Mr. Hill: Senate Bill No. 405—An Act declaring the Tembladera Slough, in the County of Monterey, a navigable stream.

Read first time, and referred to the Committee on Commerce and Navigation.

By Mr. Davis (by request): Senate Bill No. 406—An Act to provide for the payment of certain funds heretofore granted to the University of California, and for the investment thereof.

Read first time, and referred to the Committee on Education.

By Mr. Traylor: Senate Bill No. 407—An Act to empower the Board of State Harbor Commissioners to adjust, audit, and pay the claim of W. H. Martin & Company.

Read first time, and referred to the Committee on Claims.

By Mr. Baker: Senate Bill No. 408—An Act to amend section ten of the Political Code, defining legal holidays.

Read first time, and referred to the Committee on Public Morals.

Also: Senate Bill No. 409—An Act to amend section seven of the Civil Code, defining legal holidays.

Read first time, and referred to the Committee on Public Morals.

Also: Senate Bill No. 410—An Act to amend section ten of the Code of Civil Procedure, defining legal holidays.

Read first time, and referred to the Committee on Public Morals.

By Mr. Dickinson: Senate Bill No. 411—An Act to amend section two thousand and thirty-nine of the Political Code, relating to the National Guard.

Read first time, and referred to the Judiciary Committee.

By Mr. Gorman: Senate Bill No. 412—An Act declaring Chinamen incompetent to take or acquire real estate.

Read first time, and referred to the Committee on Chinese and Chinese Immigration.

Also: Senate Bill No. 413—An Act providing for the service and return of summons in Justices' Courts.

Also: Senate Bill No. 414—An Act requiring manufacturers to stamp or mark goods.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Johnson: Senate Bill No. 415—An Act to amend section seventy of the Civil Code.

Read first time, and referred to the Judiciary Committee.

By Mr. Enos: Senate Bill No. 416—An Act to amend section number one thousand three hundred and thirteen of the Civil Code, concerning devises to charitable uses.

Read first time, and referred to the Judiciary Committee.

By Mr. Watson: Senate Bill No. 417—An Act to provide for the temporary relief of poor and needy persons.

Read first time, and referred to the Committee on Hospitals.

By Mr. West (for Mr. Harlan): Senate Bill No. 418—An Act to regulate the sale of certain poisonous substances.

Read first time, and referred to the Committee on Hospitals.

By Mr. Sears (by request): Senate Bill No. 419—An Act to amend sections three thousand and four and three thousand and two of the Political Code.

Read first time, and referred to the Committee on Hospitals.

By Mr. Nelson: Senate Bill No. 420—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, any county, city and county, municipality, or other political subdivision of this State, is a party.

Read first time, and referred to Committee on Chinese and Chinese Immigration.

By Mr. Hittell: Senate Bill No. 421—An Act to amend section three hundred and thirty-two of the Penal Code, relating to cheating under pretension of playing at games of chance.

Read first time, and referred to the Committee on Public Morals.

By Mr. Neumann: Senate Bill No. 422—An Act to add a new section to the Code of Civil Procedure, to be numbered one thousand two hundred and sixty-four, relating to eminent domain.

Read first time, and referred to the Judiciary Committee.

RESOLUTION.

By Mr. Hill: Senate Joint Resolution No. 5—Relating to the removal of certain duties on paper.

Read first time, and referred to the Committee on Federal Relations.

REPORT.

Mr. Enos, by permission, introduced the following minority report from the Judiciary Committee:

SENATE CHAMBER, February 28th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Committee on Judiciary, to whom was referred Senate Bill No. 363—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State—dissent from the majority report of said committee, on the following grounds:

First—Said bill is not in conflict with the provisions of the Constitution.

Second—The State has the right to sell her lands to any person to whom she may choose so to do.

J. S. ENOS.

RESOLUTIONS.

By Mr. Satterwhite—Senate Concurrent Resolution No. 26:

WHEREAS, The people of the United States owe a debt of gratitude to the gallant men who fought under their flag, on sea and land, in the Mexican war, a contest which has secured to the American Union territories of great value, which have yielded precious metals and cereal products in such abundance as to develop, in an extraordinary degree, our material interests, and promote our moral welfare; and,

WHEREAS, Since the termination of that glorious contest over thirty years have elapsed, leaving many of the participants therein aged, infirm, or poor, while the General Government has collected, on the soil acquired by their valor, immense revenues in the past, which will increase in an extraordinary ratio in the future; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Representatives in Congress be requested, and our Senators instructed, to use their best efforts to procure the passage of an Act granting pensions to the soldiers, sailors, and marines of the Mexican war of eighteen hundred and forty-six-seven-eight.

Resolved, That his Excellency, the Governor, be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Read, and referred to the Committee on Federal Relations.

By Mr. Enos:

Resolved, That E. Allen be and is hereby appointed a Committee-room Porter, at a per diem of four dollars, payable out of the Contingent Fund of the Senate; said per diem to commence from January fifth, eighteen hundred and eighty. Said Allen to have charge of room seventeen, occupied by San Francisco delegation, Committee on Claims, Contingent Expenses, and Committee on Elections.

Read, and referred to the Committee on Contingent Expenses and Mileage.

Mr. Hittell moved that the memorial and resolution heretofore presented by him, relating to the appointment of a Board of Medical Examiners, be printed for distribution.

Carried.

By Mr. Rowell:

Resolved, That while Senators are speaking, during the sessions of the Senate, it shall be deemed unparliamentary language to refer to members of the Senate by the terms "learned," "brilliant," "gallant," "chivalrous," "distinguished," or "able."

Read, and referred to the Committee on Public Morals, on motion of Mr. Johnson.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burl, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Merrill, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

Leave of absence until Monday granted Senator Rowell.

SPECIAL ORDER FOR ONE O'CLOCK AND THIRTY MINUTES P. M.

Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 7, withdrawn by the author.

Mr. Johnson moved that Senate Bill No. 188 be placed at the head of general file for Monday.

Carried.

Mr. Traylor granted leave of absence for the rest of the day.

On motion of Mr. Johnson, Senate Bill No. 75 was made the special order for next Wednesday evening.

Special order for one o'clock and thirty minutes p. m., consideration of motion of Senator Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204.

Mr. Johnson moved to continue the same, and that it be placed second on the file for next Wednesday evening.

Carried.

On motion of Mr. Johnson, all the special orders not otherwise disposed of are hereby continued and made the special order for one o'clock and thirty minutes p. m. next Friday.

Mr. Johnson moved that Senate Bill No. 174 be now taken up out of order.

Carried.

Senate Bill No. 174—An Act to amend sections one thousand two hundred and ninety-five, one thousand two hundred and ninety-eight, one thousand three hundred and three, one thousand three hundred and five, one thousand three hundred and thirteen, one thousand three hundred and seventeen, one thousand three hundred and twenty-two, one thousand three hundred and thirty-eight, one thousand three hundred and forty, one thousand three hundred and forty-five, one thousand three hundred and sixty, one thousand three hundred and sixty-one, one thousand three hundred and sixty-two, one thousand three hundred and seventy-two, one thousand three hundred and seventy-three, one thousand three hundred and eighty-three, one thousand three hundred and eighty-eight, one thousand three hundred and eighty-nine, one thousand three hundred and ninety-one, one thousand three hundred and ninety-three, one thousand three hundred and ninety-four, one thousand three hundred and ninety-seven, one thousand three hundred and ninety-eight, one thousand four hundred and two, one thousand four hundred and three, one thousand four hundred and six, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and twenty-six, one thousand four hundred and

twenty-seven, one thousand four hundred and thirty, one thousand four hundred and thirty-one, one thousand four hundred and thirty-two, one thousand four hundred and thirty-three, one thousand four hundred and thirty-six, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thousand four hundred and fifty-two, one thousand four hundred and fifty-three, one thousand four hundred and fifty-nine, one thousand four hundred and sixty, one thousand four hundred and sixty-one, one thousand four hundred and sixty-four, one thousand four hundred and sixty-five, one thousand four hundred and sixty-six, one thousand four hundred and sixty-nine, one thousand four hundred and seventy, one thousand four hundred and seventy-four, one thousand four hundred and seventy-five, one thousand four hundred and eighty-five, one thousand four hundred and ninety-three, one thousand four hundred and ninety-four, one thousand four hundred and ninety-five, one thousand four hundred and ninety-six, one thousand four hundred and ninety-seven, one thousand four hundred and ninety-eight, one thousand four hundred and ninety-nine, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and seven, one thousand five hundred and ten, one thousand five hundred and twelve, one thousand five hundred and seventeen, one thousand five hundred and nineteen, one thousand five hundred and twenty-three, one thousand five hundred and twenty-six, one thousand five hundred and twenty-nine, one thousand five hundred and thirty, one thousand five hundred and thirty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-six, one thousand five hundred and thirty-seven, one thousand five hundred and forty, one thousand five hundred and forty-one, one thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-five, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-six, one thousand five hundred and sixty-nine, one thousand five hundred and seventy, one thousand five hundred and seventy-five, one thousand five hundred and eighty-five, one thousand five hundred and ninety, one thousand five hundred and ninety-one, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred and two, one thousand six hundred and three, one thousand six hundred and four, one thousand six hundred and sixteen, one thousand six hundred and eighteen, one thousand six hundred and twenty-two, one thousand six hundred and twenty-three, one thousand six hundred and twenty-four, one thousand six hundred and twenty-five, one thousand six hundred and twenty-nine, one thousand six hundred and thirty-two, one thousand six hundred and thirty-three, one thousand six hundred and forty, one thousand six hundred and forty-nine, one thousand six hundred and sixty-one, one thousand six hundred and sixty-seven, one thousand six hundred and sixty-nine, one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and seventy-seven, one thousand six hundred and eighty, one thousand six hundred and eighty-four, one thousand six hundred and eighty-five, one thousand six hundred and eighty-six, one thousand six hundred and ninety-two, one thousand six hundred and ninety-three, one thousand six hundred and ninety-four,

one thousand six hundred and ninety-six, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, one thousand seven hundred and sixteen, one thousand seven hundred and eighteen, one thousand seven hundred and twenty, one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty, one thousand seven hundred and thirty-three, one thousand seven hundred and thirty-four, one thousand seven hundred and thirty-five, one thousand seven hundred and thirty-six, one thousand seven hundred and thirty-seven, and one thousand seven hundred and forty, of the Code of Civil Procedure, relating to the settlement of estates of deceased persons.

During the reading of the bill Mr. Davis moved that a call of the Senate be had.

Carried.

The roll was called, and the following Senators responded as being present:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Hill, Hittell, Johnson, Lampson, Moreland, Nye, Pardee, Pool, Satterwhite, Sears, Watson, Wendell, West, and Zuck—25.

During the call of the Senate, Mr. Chase moved that the same be discontinued.

Lost.

The call completed, and a quorum being present, further proceeding under the same, on motion of Mr. Davis, was dispensed with.

Further consideration of Senate Bill No. 174.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate.

Mr. Kane moved that the enacting clause be stricken out.

Lost.

Bill, as amended, ordered engrossed.

Mr. Hill, by permission, introduced the following report out of order:

SENATE CHAMBER, SACRAMENTO, February 28th, 1880.

MR. PRESIDENT: The undersigned, to whom was recommitment Senate Bill No. 307—An Act entitled "An Act relating to swindling by cards or other means"—with special instructions to amend the same so as to make it a part of the Penal Code, reports the same back amended as directed.

HILL.

ADJOURNMENT.

At five o'clock and eighteen minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, March 1st, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

Journal of Saturday read and approved.

Leave of absence for one day granted Senators Enos, Rowell, Langford, and Traylor.

Mr. Moreland moved that the special order for immediately after the reading of the Journal, to-day, be continued, and made the special order for to-morrow morning, immediately after the reading of the Journal.

The ayes and noes were demanded by Messrs. Baker, Sears, and Watson, with the following result:

Ayes—Messrs. Anderson, Burt, Chase, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Moreland, Neumann, Pool, Ryan, Satterwhite, Wendell, West, and Zuck—24.

Noes—Messrs. Baker, Carlock, Cheney, George, Hittell, Johnson, Johnston, Nelson, Nye, Pardee, Sears, and Watson—12.

Carried.

PETITION.

By Mr. Chase:

To the Honorable the Senate and the Assembly of the State of California:

We, the undersigned, merchants, business men, and residents of the County of Santa Barbara, believing that the passage of Senate Bill No. 188 would be detrimental to the interests of the insuring public, by driving from the State a number of the largest and best Eastern and foreign companies, thereby increasing the rates of insurance and materially diminishing the indemnity of policy-holders, would earnestly request that said bill do not pass.

And your petitioners, as in duty bound, will ever pray.

D. P. HATCH,
V. R. NORRIS,
RUSSELL HEATH,
President of First National Gold Bank,
A. L. LINCOLN,
JAMES M. SHORT,
R. W. LACY,
MORTIMER COOLY,
CHARLES E. HUSE,
E. B. HALL,
G. M. WILLIAMS,
J. A. BELL,
J. L. HUNT,
THOMAS B. DIBBLE,
H. G. CRANE,
C. A. THOMPSON,
F. C. YOUNG,
L. P. KNIGHT,

R. R. MACLEOD,
N. W. WINTON,
E. S. SHEFFIELD,
R. F. WINCHESTER,
W. M. EDDY,
CHARLES PIERCE,
R. F. STEVENS,
JAMES TIEBNEY,
MRS. MARY A. ASHLEY,
N. D. SMITH,
C. C. HUNT,
EDWARDS & BOESCKE,
H. STRICKER,
JAMES A. BLOOD, JR.,
E. L. PADDOCK,
B. GUTIERREZ,
N. P. AUSTIN & COMPANY,
C. S. SHOTWELL,

JO. B. WENTLING, County Clerk.
 J. T. JANSSENS, Deputy County Clerk.
 J. T. HOLMES,
 A. ROGERS,
 M. EELLS,
 ROGERS BROTHERS & COMPANY,
 JOHN WALKOTT,
 GEORGE E. CHILDS,
 J. A. KENNEY,
 R. L. CHAMBERLAIN.

P. N. NEWELL,
 J. N. SWEETSER,
 T. J. PEARCE,
 GARLAND & NOBLE,
 T. V. KEELER,
 J. PHELPS,
 JOHN S. BELL,
 A. S. COOPER,
 A. FISSNIS,
 CHARLES H. MCNELLY.

REPORTS OF STANDING COMMITTEES.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 1st, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 233—An Act concerning the payment of the expenses and costs of the trials of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroners' inquests in said Prison—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

NYE, Chairman.

By Mr. Burt:

SENATE CHAMBER, March 1st, 1880.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 351—entitled an Act to punish decoys—have considered the same, and report it back with a substitute, recommending the passage of the substitute.

BURT, Chairman.

Also:

SENATE CHAMBER, March 1st, 1880.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 264—entitled an Act prohibiting the admission of minors to houses of prostitution, or to houses or rooms resorted to for the purpose of prostitution—have considered the same, and report it back, recommending its passage.

Also, Senate Bill No. 267—entitled an Act to suppress pigeon shooting and similar sports—and report the same back, with the recommendation that it do not pass.

BURT, Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }
 SACRAMENTO, February 27th, 1880. }

To the Senate of the State of California:

I have the honor to transmit to your honorable body Part Four of the Report of the State Engineer. You are respectfully requested to inform the Assembly of its receipt.

GEORGE C. PERKINS, Governor.

Also:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 SACRAMENTO, February 25th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 24—An Act to amend sections six hundred and sixty-nine, one thousand and forty-two, one thousand four hundred and thirty, one thousand four hundred and thirty-five, of the Penal Code, relating to trials by jury.

Also, Senate Bill No. 28—An Act to repeal section forty-three hundred and twenty-nine of the Political Code, regulating the salaries of County Judges.

Also, Senate Bill No. 29—An Act to repeal sections four hundred and ninety-nine and six hundred and eighty-four of the Political Code, relating to the salaries and compensation of public officers.

GEORGE C. PERKINS, Governor.

REPORT OF STATE ENGINEER.

The following communication was received from the State Engineer:

OFFICE OF THE STATE ENGINEER, SACRAMENTO, February 27th, 1880.

Hon. J. Mansfield, President of the Senate, State of California:

SIR: I herewith submit to the honorable the Senate and the Assembly the manuscript of part four of my official report. I respectfully request that you inform the Assembly of its receipt. This paper has been printed, and pamphlet copies will be available on Monday or Tuesday of next week.

Very respectfully your obedient servant,

WM. HAM. HALL, State Engineer.

COMMUNICATION FROM THE CHAMBER OF COMMERCE.

The following communication was received from the Chamber of Commerce:

CHAMBER OF COMMERCE OF SAN FRANCISCO, CALIFORNIA,
SAN FRANCISCO, February 24th, 1880. }

To the Honorable the Senate of the State of California, Sacramento, California:

A special meeting of the Chamber of Commerce was held this day, for the purpose of considering the following telegraphic dispatch from the President of the Atlantic and Pacific Railroad Company:

Boston, February 21st, 1880.

To the President of the Chamber of Commerce, San Francisco:

The Atlantic and Pacific Railroad has just authorized the immediate construction of its road from the Rio Grande to the Colorado Rivers—has instructed its engineers to commence work at once, and to press the construction as vigorously as men and money will permit. The Pacific terminus is as yet undecided, although strong inducements are offered us at various points. If your citizens will extend sufficient inducements, and secure for us convenient and ample terminal facilities in San Francisco, with the necessary right of way thereto, we will at once consider such proposals, and take steps to examine the matter with a view of commencing work at your end at the earliest practicable date.

Signed:

THOS. NICKERSON, President.

The following resolutions were unanimously adopted:

Resolved, That this Chamber greets with pleasure the announcement of the intention of the Atlantic and Pacific Railroad Company to construct a road to the Pacific Coast: that it recognizes the great benefit this city would derive from additional facilities for transportation; and that it will, so far as lies in its power, assist in securing such terminal facilities as may be required.

Resolved, That this Chamber commends to the Board of Supervisors of this city, and to the Legislature of the State, the encouragement of new routes of travel and transportation which will serve to develop new resources and contribute to the general prosperity.

It was further resolved that a copy of the foregoing dispatch and resolutions be transmitted to your honorable body.

With great respect, your obedient servant,

[SEAL]

W. F. BABCOCK, President Chamber of Commerce of San Francisco.

Attest: MORRIS MARCUS, Secretary.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 24th, 1880.

MR. PRESIDENT: I am directed to return to your honorable body Senate Bill No. 152—An Act to amend sections one thousand one hundred and sixteen, one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, and one thousand one hundred and twenty-seven, of the Code of Civil Procedure, relating to contesting certain elections—for the reason that there is a material variance between the said bill as printed and the engrossed copy, and with the request that the Senate inform the Assembly whether said bill has been correctly engrossed.

Also, Senate Bill No. 96—An Act to amend sections one and two of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March thirtieth, eighteen hundred and seventy-eight—for the reason that said bill has been materially amended, and it cannot be ascertained that it has ever been printed as amended.

J. M. WRIGHT, Assistant Clerk.

REPORT.

Mr. Carlock, for Mr. Traylor, introduced the following report out of order.

SENATE CHAMBER, SACRAMENTO, February 28th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred the claim of John S. Swift, of San Francisco, for professional services as attorney and counselor at law in prosecuting suits in the Nineteenth Judicial District Court and in the Supreme Court, to oust John J. Marks and Jasper O'Farrell from the office of State Harbor Commissioner, amounting to six thousand dollars, have had the same under consideration, report back, and recommend that the claim be referred to the Judiciary Committee.

Also, Senate Bill No. 324—An Act to provide for the settlement of the indebtedness created by the survey of the West Side Irrigation District, and to make an appropriation to pay the same—report back, with the same recommendation.

TRAYLOR, Chairman.

Recommendations concurred in, and bills, as recommended, ordered referred.

INTRODUCTION OF BILL.

By Mr. Sears: Senate Bill No. 423—An Act to provide for the payment of the costs of Coroners' inquests held at the State Prisons of the State.

Read the first time, and referred to the Judiciary Committee.

GENERAL FILE.

Senate Bill No. 211, on motion of Mr. Satterwhite, was placed at the head of the general file for third reading.

Senate Bill No. 263—An Act to add two new sections to the Penal Code, to be numbered four hundred and four hundred and one, relative to the keeping or sale of animals afflicted with glanders or other infectious diseases.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 307—An Act relating to swindling by cards or other means.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT. }
SACRAMENTO, March 1st, 1880. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day appointed William A. Phillips, of San Francisco, State Harbor Commissioner, vice Lee, term expired, and respectfully ask the consent of your honorable body thereto.

GEORGE C. PERKINS, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of William A. Phillips as State Harbor Commissioner, vice Lee, term expired?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Pool, Ryan, Sears, Wendell, West, and Zuck—28.

NOES—None.

Whereupon the President announced that the appointment of Wm. A. Phillips, as State Harbor Commissioner, was unanimously confirmed.

GENERAL FILE—RESUMED.

Senate Bill No. 274—An Act to reimburse the Support Fund of the Deaf, Dumb and Blind Asylum.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 209—An act to empower Justices of the Peace to hold inquests concerning fires.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate.

Upon the question of engrossment, the ayes and noes were demanded by Messrs. Johnson, Hittell, and Wendell, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Nye, Pardee, Ryan, Sears, and West—23.

NOES—Messrs. Dickinson, Glascock, Hittell, Satterwhite, Wendell, and Zuck—6.

Carried.

Senate Bills Nos. 171, 172, and 173 withdrawn by the author.

Senate Bill No. 299, on motion of Mr. Dickinson, indefinitely postponed.

Senate Concurrent Resolution No. 24, on motion of Mr. Johnson, passed on the file.

Senate Bill No. 198, on motion of Mr. Dickinson, indefinitely postponed.

Senate Bill No. 87—An Act designating places in which polls shall be held.

Mr. Nye moved that it be recommitted to the author with instructions to so amend as to make it a part of the Political Code.

Mr. Ryan moved, as an amendment, that it be referred to the Judiciary Committee with special instructions, and to report the same back to-morrow morning.

Carried.

Assembly Bill No. 81—An Act to amend section five hundred and ninety-nine of the Penal Code, relating to the protection of seals and sea lions near the Cliff House, in the City and County of San Francisco.

Read second time.

Mr. Pardee moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Conger, Kane, and Pardee, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Chase, Dickinson, and Pardee—6.

NOES—Messrs. Baker, Carlock, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—30.

Lost.

Bill ordered on the general file for third reading.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 1st, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined and report as correctly engrossed, the following Senate bill, viz.: Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

CHENEY, Chairman.

The following dispatch was received by the Lieutenant-Governor, and read to the Senate for information:

SAN FRANCISCO, March 1st, 1880.

To John Mansfield, Lieutenant-Governor, Senate Chamber:

If Senate Bill one hundred and eighty-eight (188), with four hundred thousand dollars capital clause, passes, over forty-two fire companies will be driven from the State. The statement made in the Senate that all companies represented here indorsed the bill is erroneous. Please have this telegram read to the Senate before bill comes up for passage.

HUTCHINSON & MANN,
H. W. SYZ,
E. D. FARNSWORTH & SONS,
J. P. COX,
ALFRED STILLMAN,
J. J. DESMOND & SONS,
JACOBS & EASTON,
GEO. MARCUS & COMPANY,
W. J. CALLINGHAM & COMPANY,
H. W. SNOW,
F. F. STONE,
HY BALZER & COMPANY,
General Insurance Agents.

Senate Bill No. 255—An Act to enable the swamp land or reclamation districts of this State to fund indebtedness, and to provide for the payment of indebtedness so funded.

During the reading of the same a message was received from the Assembly, reporting as passed Assembly Bill No. 404 and Assembly Bill No. 28.

Mr. West moved that the message be made the special order for one o'clock and thirty minutes P. M., to the exclusion of all other matters.

Carried.

Senate Bill No. 255.

RECESS.

During the reading of the bill, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

SPECIAL ORDER.

For immediately after recess, pursuant to the motion of Mr. West.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 1st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March first, eighteen hundred and eighty, passed Assembly Bill No. 404—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand eight hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Also, that on February twenty-eighth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 28—An Act to amend an Act entitled "An Act to amend section two hundred and ninety-nine of the Civil Code of California," as approved on March twenty-second, eighteen hundred and seventy-eight.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 404, above reported, read first time.

Mr. Johnson moved that the bill be made the special order for to-morrow immediately after the reading of the Journal, to be taken up in connection with Senate Bills Nos. 397 and 398, made the special order for that time.

Carried.

Assembly Bill No. 28, above reported, read first time, and referred to the Committee on Corporations.

GENERAL FILE RESUMED.

Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read third time.

President Mansfield in the chair.

Upon the passage of the bill, the roll was called, and bill lost by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Cheney, Davis, Dickinson, Harlan, Johnston, Kelly, Moreland, Neumann, Nye, Sears, Traylor, Watson, West, and Zuck—17.

NOES—Messrs. Brown, Chase, Conger, Ems, George, Glascock, Gorman, Hill, Hudson, Johnson, Kane, Lampson, Nelson, Pardee, Pool, Ryan, Satterwhite, and Wentell—18.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 188 was lost.

Further consideration of Senate Bill No. 255.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

THIRD READING OF BILLS.

Senate Bill No. 152—An Act to amend sections one thousand one hundred and fifteen, one thousand one hundred and sixteen, one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty, one thousand one hundred and twenty-four, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, and one thousand one hundred and twenty-seven, of the Code of Civil Procedure, relating to contesting certain elections.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Hill, Johnson, Kane, Kelly, Lampson, Nye, Pardee, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—26.

NOES—Messrs. Glasecock, Gorman, Hudson, and Moreland—4.

The title was then read, and the same approved as read.

On motion of Mr. Johnson, Senate Bill No. 329 was passed on the file until to-morrow.

Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

Mr. Satterwhite moved to indefinitely postpone the bill.

Mr. Dickinson moved to place the bill at the head of the general file for to-morrow.

Carried.

ADJOURNMENT.

At five o'clock and seventeen minutes P. M., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Tuesday, March 2d, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

By permission, Mr. Davis introduced the following report out of order:

SENATE CHAMBER, SACRAMENTO, March 2d, 1880.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 354—An Act to amend section one thousand six hundred and seventeen of the Political Code of this State, and to add a new section thereto, to be known as section one thousand six hundred and eighteen, relating to Boards of School Directors and City Boards of Education—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

DAVIS, Chairman.

By Mr. Traylor (by leave):

SENATE CHAMBER, SACRAMENTO, March 2d, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 129—An Act to confer jurisdiction on the Superior Courts in certain special cases—have had the same under consideration, report back, and recommend that the same be indefinitely postponed.

Also, Senate Bill No. 370—An Act to adjudicate certain claims, and provide for the payment of the same—and recommend that the same be indefinitely postponed.

TRAYLOR, Chairman.

By Mr. Dickinson (by leave):

SENATE CHAMBER, SACRAMENTO, March 2d, 1880.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 279—An Act to declare the Mokelumne River navigable—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

DICKINSON, Chairman.

By Mr. Baker (by consent):

SENATE CHAMBER, SACRAMENTO, March 1st, 1880.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 275—An Act to provide for the erection of buildings and improvements for the Deaf, and Dumb, and Blind Asylum—would respectfully beg leave to report that they have had the same under consideration, and now report the same back to the Senate with amendments, and recommend the passage of the bill as amended.

BAKER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 1st, 1880.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 194, would respectfully report that they have considered the same, and now report the same back, with the recommendation that the bill pass.

BAKER, Chairman.

Mr. Johnson, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Senate Bill No. 188 was lost.

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Satterwhite, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Moreland, Nye, Pardee, Sears, Traylor, Watson, Wendell, and Zuck—23.

NOES—Messrs. Conger, Enos, Glascock, Gorman, Kane, Lampson, Langford, Nelson, Pool, Satterwhite, and West—11.

Carried.

Mr. Johnson moved that Senate Bill No. 188 be made the special order for directly after the consideration of the special order set for immediately after the reading of the Journal to-day.

Carried.

SPECIAL ORDERS—TUESDAY, MARCH SECOND, DIRECTLY AFTER READING JOURNAL, TO CONTINUE UNTIL DISPOSED OF.

Senate Bill No. 398—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three

thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Senate Bill No. 397—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to add a new section to be numbered three thousand six hundred and sixty-four to, and to reenact section three thousand seven hundred and seventeen of, title nine, of the Political Code, to provide revenue for the support of the government of the State.

Assembly Bill No. 404—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating

to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

On motion of Mr. West, Assembly Bill No. 404 was taken up for consideration.

Pending the consideration of the same, Mr. Johnston, by permission, moved that the Secretary be authorized to correct a clerical error in Senate Bill No. 245, first section, by adding after the word "more," the word "than."

Carried.

Further consideration of Assembly Bill No. 404.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson, by permission, introduced the following resolution out of order:

Resolved, That the Committee on Irrigation, Water Rights, and Drainage be and it is hereby authorized to visit for inspection such portions of the country bordering on the Yuba, Bear, and American Rivers, affected by the flow of mining debris, as it may deem advisable; and the members of said committee are hereby granted leave of absence for that purpose from Friday noon, March fifth, eighteen hundred and eighty, to Monday noon, March eighth, eighteen hundred and eighty.

Adopted.

By Mr. Davis (by permission):

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to deliver to the Superintendent of Public Instruction one hundred copies of Senate Substitute Bill No. 399.

Adopted.

Mr. Carlock, by permission, introduced the following bill out of order:

Senate Bill No. 424—An Act to authorize the Board of Trustees of school districts to issue bonds to raise money for building purposes, and to provide for the payment of such bonds.

Read first time, and referred to the Judiciary Committee.

SPECIAL ORDER AT ONE O'CLOCK AND THIRTY MINUTES P. M.

Consideration of motion of Senator Ryan to reconsider indefinite postponement, February 25th, of Assembly Bill No. 230.

On motion of Mr. Johnson, the same was made the special order for to-morrow at one o'clock and thirty minutes P. M.

Further consideration of Assembly Bill No. 404.

During the consideration of the bill Mr. Hudson, from the Committee on Enrollment, introduced the following report:

SENATE CHAMBER, March 2d, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and find correctly enrolled, Senate Bill No. 392—entitled an Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relating to postponement of trials—and that the same was placed in the hands of the Governor, this day, at two o'clock and fifteen minutes P. M.

HUDSON, Chairman.

Mr. West moved that Assembly Bill No. 404 be made the special order for to-morrow morning, immediately after the reading of the Journal, and to continue until disposed of.

Carried.

ADJOURNMENT.

At five o'clock and twenty-seven minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 3d, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Mercland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

By permission, Mr. Davis introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to deliver to the Clerk of the Committee on Education one hundred and fifty copies of Senate Bill No. 399.

Adopted.

Mr. Brown, by permission, introduced the following bill out of order:

Senate Bill No. 425—An Act concerning roads and highways in the several counties of the State.

Read by title, ordered printed, and referred to the Committee on Roads and Highways.

Mr. Dickinson moved that the standing committees be allowed to report before taking up the special order.

Carried.

REPORTS OF STANDING COMMITTEES.

By Mr. Dickinson:

MR. PRESIDENT: The Committee on Military Affairs, to whom was referred Senate Bills Nos. 154 and 155, relating to the National Guard of California, have had the same under consideration, and report the same back to the Senate, and recommend as follows: That Bill No. 154 be passed as amended, and that Bill No. 155 be indefinitely postponed.

DICKINSON, Chairman.

By Mr. Burt:

SENATE CHAMBER, March 3d, 1880.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 308—entitled an Act to provide for the recovery of damages for death or injuries caused by the use of intoxicating liquors—have had the same under consideration, and report it back, with the recommendation that it do pass.

BURT, Chairman.

By Mr. Pardee:

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 94—An Act to legalize and validate the assessment and assessment roll for State, county, and consolidated city and county taxes of the various counties of the State for the fiscal year eighteen hundred and seventy-nine and eighteen hundred and eighty—beg leave to report that a majority of your committee recommend the passage of the said bill.

PARDEE, Chairman.

MR. PRESIDENT: We, a minority of your Committee on Finance, do dissent from the above recommendation of Assembly Bill No. 94, and do recommend that the same do not pass, on the ground that the same is unconstitutional and unnecessary.

E. H. PARDEE,
GROVE L. JOHNSON.

By Mr. Johnson:

MR. PRESIDENT: The Committee on Chinese and Chinese Immigration, having had under consideration Assembly Bill No. 405—An Act to promote emigration from the State of California—report the same back, and recommend its passage.

Also, Assembly Bill No. 135—An Act to provide for the removal of Chinese whose presence is dangerous to the well-being of communities, outside the limits of cities and towns in the State of California—report the same back, and recommend its passage.

JOHNSON, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 2d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 269—An Act to amend section four of an Act entitled "An Act to establish a scale of measurement of logs," approved March twenty-eighth, eighteen hundred and seventy-eight—and report the same back with amendment, and recommend its passage as amended.

Also, Senate Bill No. 293—An Act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution—and report the same back, and recommend its passage.

Also, Senate Bill No. 231—An Act to provide for the payment of the claim of H. L. Nichols—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 37—An Act to amend sections four hundred and seventy-four, six hundred and one, seven hundred and ninety-nine, nine hundred and nine, nine hundred and fifty, one thousand and fifteen, one thousand one hundred and eight, one thousand one hundred and nine, one thousand two hundred and eighty-four, one thousand three hundred and ten, two thousand two hundred and forty, two thousand three hundred and ninety-two, two thousand three hundred and ninety-three, two thousand four hundred and seven, two thousand four hundred and eight, two thousand four hundred and ten, two thousand four hundred and thirteen, two thousand four hundred and fifteen, two thousand eight hundred, two thousand eight hundred and fifty-two, three thousand two hundred and eighty-five, three thousand four hundred and ninety, four thousand and forty-seven, four thousand and seventy-eight, four thousand one hundred and thirty-four, four thousand one hundred and sixty-five, four thousand one hundred and ninety-two, four thousand two hundred and twenty-one, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, conferring upon the Superior Courts, their Judges and officers, the jurisdiction and authority heretofore exercised, in certain cases, by the Courts abolished by the Constitution, their Judges and officers—and report the same back, and recommend its passage.

Also, Assembly Bill No. 42—An Act to confer upon the Superior Court of each county, and Judge thereof, the powers heretofore possessed by the District, County, and Probate Courts of such county, and the Judges thereof—and report the same back, and recommend its passage.

Also, Assembly Bill No. 203—An Act to provide for the taking of appeals from judgments or orders given or made in the Courts existing on and before the first day of January, eighteen hundred and eighty—and report the same back, and recommend its passage.

Also, Senate Bill No. 310—An Act appropriating money for the relief of Mrs. Louisa Kohler—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 312—An Act providing for the payment to Anna E. Haight, executrix of the last will and testament of H. H. Haight, deceased, and to Stephen H. Phillips, for professional services rendered the State of California by said H. H. Haight and said Phillips as special counsel of the Commissioners of Transportation—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 102—An Act relating to the appointment of aliens to positions under State, county, city and county, city, or town officials—and report the same back, and recommend its passage.

Also, Assembly Bill No. 36—An Act to amend sections sixty-nine, seventy, eighty, one hundred and thirty-seven, two hundred and twenty-six, two hundred and forty-three, two hundred and forty-four, two hundred and forty-nine, two hundred and fifty-three, two hundred and fifty-eight, two hundred and sixty-five, two hundred and seventy-three, five hundred and ninety-three, five hundred and ninety-six, five hundred and ninety-eight, six hundred and two, one thousand two hundred and forty-one, one thousand two hundred and forty-five, one thousand two hundred and forty-seven, one thousand two hundred and sixty-five, one thousand three hundred and sixty-three, one thousand three hundred and sixty-four, two thousand two hundred and eighty-three, two thousand two hundred and eighty-seven, and two thousand two hundred and eighty-nine, of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, conferring upon the Superior Courts, their Judges or officers, the jurisdiction and authority heretofore exercised, in certain cases, by the Courts abolished by the Constitution, their Judges or officers—and report the same back, and recommend its passage.

Also, Assembly Bill No. 43—An Act to amend sections one thousand one hundred and eighty and one thousand one hundred and eighty-one of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to the proof and acknowledgment of instruments—and report the same back, and recommend its passage.

Also, Senate Bill No. 289—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure, relating to writs of attachment—have had the same under consideration, and report the same back with amendment, and recommend its passage as amended.

Also, Senate Bill No. 350—An Act to prevent the accumulation of large landed estates—and report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 364—An Act to amend section one thousand five hundred and seventy-three of the Code of Civil Procedure, relating to the time within which certain actions may be commenced—and report the same back, and recommend its passage.

Also, Senate Bill No. 369—An Act to punish baggage smashers—and report the same back, and recommend its passage.

Also, Senate Bill No. 372—An Act to tax the owners of large tracts of land in the State of California—have had the same under consideration, and report the same back to the Senate, and recommend that it be indefinitely postponed, on the ground that it is an attempt to abolish section one, of article thirteen, of the Constitution. The bill proposes to tax the owners of land above three hundred and twenty acres by a levy of a definite sum on each acre over that amount, and declares such levy to be what it is not, and what it cannot be made, that is, an income tax. The Constitution provides that all property in the State not exempt under the laws of the United States shall be taxed in proportion to its value, to be ascertained by law; also, that all taxation shall be uniform. This bill levies no tax on the first three hundred and twenty acres, but only on the excess above that amount.

NYE, Chairman.

Also:

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, dissent from the majority report concerning Senate Bill No. 350—An Act to prevent the accumulation of large landed estates—and recommend that it be indefinitely postponed.

The fact is that land in the United States, and especially in California, has become, like personal property, an article of commerce. It has come to that condition where it changes ownership as readily, and almost as often, as personal property. The formalities of conveyance have been simplified until a bill of sale of goods could not be made simpler than a Code deed. There is nothing that calls for a limitation of possession of lands in individuals more than in the possession of any other kind of property. Natural laws divide up landed possessions in a natural way. A single generation has divided up the large ranches held by the Spanish grant holders at the time of the American occupation more than a thousand fold, and in some counties more than ten thousand fold; and another generation will see, by natural law, all the now large holdings of land entirely dissipated without exercising a legal power which, in principle, will need demand that no devise or will shall control over ten thousand dollars in money, or that no person shall accumulate more than that amount.

S. G. NYE,
T. H. HITTELL,
J. F. WENDELL,
JNO. H. DICKINSON.

Mr. Davis moved that seven hundred and twenty additional copies of Senate Bill No. 399 be printed.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 1st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March first, eighteen hundred and eighty, passed Assembly Bill No. 361—An Act in relation to certain deputies, assistants, and copyists of County Clerks.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 361, above reported, read first time, and on motion of Mr. Dickinson, ordered on the general file for second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 1st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-eighth, eighteen hundred and eighty, passed Senate Bill No. 133—An Act to amend an Act entitled "An Act to provide for the extermination of squirrels in certain counties," approved March thirtieth, eighteen hundred and seventy-eight.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 2d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March second, eighteen hundred and eighty, passed Senate Bill No. 392—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relating to postponement of trials.

J. M. WRIGHT, Assistant Clerk.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 2d, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 392—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relating to postponement of trials.

GEO. C. PERKINS, Governor.

Mr. Johnson, by permission, introduced the following resolution out of order:

Resolved, That the Clerks of all committees be and they are hereby directed to prepare minority reports whenever requested so to do by the minority of any committee of which they are Clerks.

Adopted.

SPECIAL ORDERS, DIRECTLY AFTER READING JOURNAL, TO CONTINUE
UNTIL DISPOSED OF.

Assembly Bill No. 404—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty,

three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Senate Bill No. 398—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Senate Bill No. 397—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to add a new section to be numbered three thousand six hundred and sixty-four to, and to reenact section three thousand seven hundred and seventeen

of, title nine, of the Political Code, to provide revenue for the support of the government of the State.

Senate considered as in Committee of the Whole.

Mr. Johnson moved that the revenue bills be considered in the Senate, and not as in the Committee of the Whole.

Carried.

Mr. Baker offered the following amendment: Amend section one by adding the words, "But no property is subject to double taxation, or to be twice charged or assessed by the same tax, whatever be the manner or form in which the property, or any right, title, interest, claim, or demand therein or thereto is owned, possessed, or held."

Mr. Davis offered the following as a substitute for the amendment: Add the following after the word "taxation," at the end of the section: "But no property is subject to double taxation, or to be twice charged or assessed by the same tax; credits, claims, and demands due, owing or accruing to bona fide residents of this State for or on account of money deposited with any savings and loan corporation organized under the laws of this State, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property of such corporation."

Upon which the ayes and noes were demanded by Messrs. Baker, Johnson, and Chase, and the substitute was lost by the following vote:

AYES—Messrs. Baker, Brown, Cheney, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Pardee, Pool, Sears, Traylor, and Watson—17.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Ryan, Satterwhite, Wendell, West, and Zuck—21.

The question now recurred upon the amendment offered by Mr. Baker.

Upon which the ayes and noes were demanded by Messrs. Baker, Burt, and Brown, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Pardee, Pool, Sears, Traylor, and Watson—17.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Ryan, Satterwhite, Wendell, and West—20.

Lost.

Mr. Baker offered the following amendment: Amend section one by adding, "But no property is subject to double taxation, or to be twice charged or assessed in the same year by the same tax."

The Chair decided that the amendment was out of order, the subject matter of which amendment the Senate had previously voted down.

Mr. Baker appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Baker, Hill, and Zuck, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Ryan, Satterwhite, Wendell, West, and Zuck—23.

NOES—Messrs. Baker, Cheney, Davis, Dickinson, George, Hittell, Johnson, Neumann, Nye, Pardee, Pool, Sears, Traylor, and Watson—14.

Decision of the Chair sustained.

Mr. Johnson offered the following amendment: "*Provided*, that double taxation shall be allowed if permitted by the Constitution."

Mr. Ryan offered the following as a substitute for the amendment: Add to section one the following: "But no person, company, or corporation, shall be twice assessed on the same property for the same tax in any one year."

The Chair decided the substitute out of order, the same in substance having previously been considered.

Mr. Satterwhite appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Enos, Ryan, and Davis, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, and West—15.

NOES—Messrs. Baker, Burt, Brown, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck—23.

Decision of the Chair reversed.

The question recurred upon the adoption of the substitute.

Upon which the ayes and noes were demanded by Messrs. Baker, Wendell, and Chase, and the substitute lost by the following vote:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Pardee, Pool, Ryan, Sears, Traylor, and Watson—18.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Satterwhite, Wendell, West, and Zuck—20.

Mr. Johnson, by permission, withdrew his amendment.

Mr. Hittell offered the following amendment: Amend section one by adding the words "credits, claims, and demands due, owing or accruing to bona fide residents of this State, for or on account of money deposited with any savings and loan corporations, organized under the laws of this State, shall for the purpose of assessment and taxation be deemed and treated as an interest in the property of such corporation."

Mr. Johnson raised the point of order that the amendment was not in order.

The Chair decided that the amendment was in order.

Mr. Johnson appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Johnson, Hittell, and Traylor, and the Chair was sustained by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—32.

NOES—Messrs. Anderson, Chase, Conger, Kane, and Satterwhite—5.

The question recurred upon the adoption of the amendment.

Upon which the ayes and noes were demanded by Messrs. Hill, Hittell, and Hudson, and the amendment was lost by the following vote:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Pool, Sears, Traylor, and Watson—18.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Ryan, Satterwhite, Wendell, West, and Zuck—20.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Sears, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Bart, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Kahn, Kelly, Lampton, Langford, Morchard, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Zuck, by permission, introduced the following report out of order:

SENATE CHAMBER, SACRAMENTO, March 3d, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following resolution, viz.:

Resolved, That Hiram Clock be and he is hereby appointed a Committee-room Porter, whose duty it shall be to take charge of and keep in order the various committee-rooms of the Senate, commencing from the tenth day of January, A. D. eighteen hundred and eighty, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Report and recommend that the same be not adopted.

Also report and recommend the adoption of the following resolution:

Resolved, That Hiram Clock be and he is hereby allowed the sum of two dollars per day, from January ninth, eighteen hundred and eighty, up to and including February twenty-third, eighteen hundred and eighty, for services rendered as a Committee-room Porter during said time, to be paid out of the appropriation for the contingent expenses of the Senate; said amount being in full of all demands by said Clock for such services, which are hereby dispensed with.

ZUCK, Chairman.

Resolution, as reported, adopted.

Also:

SENATE CHAMBER, SACRAMENTO, March 3d, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage beg leave to report, and recommend for adoption, the following resolution:

Resolved, That the Sacramento Ice Company be allowed twenty-six dollars and thirty-four cents for ice furnished; also the Pacific Ice Company one dollar and twenty-eight cents for ice furnished, and L. L. Lewis & Company three dollars and fifty cents for merchandise supplied, and J. D. Jost five dollars for carpenter work; that said sums be paid out of the appropriation for the contingent expenses of the Senate, and the Controller is hereby authorized to draw his warrant on said fund, in favor of said parties, for the amounts due respectively to each of them.

ZUCK, Chairman.

Resolution, as reported, adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, and, on motion of Mr. Johnson, was taken up for consideration:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 3d, 1880. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have appointed the following named gentlemen as Regents of the University of California, and respectfully ask their confirmation: Wm. Ashburner, of San Francisco, vice Bowie, term expired; John Badwell, of Butte, vice Archer, term expired; B. B. Redding, of San Francisco, vice Pixley, resigned.

GEO. C. PERKINS, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of William Ashburner as a Regent of the State University, vice Bowie, term expired?" the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—None.

Whereupon the President announced that the appointment of William Ashburner, as Regent of the State University, was unanimously confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John Bidwell as a Regent of the State University, vice Archer, term expired?" the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—33.

NOES—None.

Whereupon the President announced that the appointment of John Bidwell, as a Regent of the State University, was unanimously confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of B. B. Redding, as a Regent of the State University, vice Pixley, resigned?" the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—None.

Whereupon the President announced that the appointment of B. B. Redding, as a Regent of the State University, was unanimously confirmed.

REPORT.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, March 3d, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved,* That E. Allen be and is hereby appointed a Committee-room Porter, at a per diem of four dollars, payable out of the Contingent Fund of the Senate, said per diem to commence from January fifth, eighteen hundred and eighty; said Allen to have charge of Room Seventeen, occupied by the San Francisco delegation, Committees on Claims, Contingent Expenses, and Elections.

Report and recommend the following as a substitute, and recommend the adoption of the substitute:

Resolved, That E. Allen be and is hereby appointed a Committee-room Porter, at a per diem of three dollars, payable out of the appropriation for the contingent expenses of the Senate, said per diem to commence from January thirteenth, eighteen hundred and eighty; said Allen to have charge of the rooms occupied by the Judiciary Committee, San Francisco delegation, Committee on Claims, Committee on Contingent Expenses and Mileage, Committee on Elections, and Committee on Fishery and Game.

ZUCK, Chairman.

Mr. Johnson moved to continue the same, and that it be made the special order for to-morrow, at one o'clock and thirty minutes p. m.

Upon which the ayes and noes were demanded by Messrs. Johnston, Johnson, and Enos, with the following result:

AYES—Messrs. Baker, Burt, Brown, Cheney, Davis, Dickinson, George, Hittell, Johnson, Johnston, Lampson, Pardee, Sears, Traylor, and Watson—15.

NOES—Messrs. Anderson, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Wendell, West, and Zuck—22.

Lost.

Mr. Baker moved that the whole matter be laid on the table.

Upon which the ayes and noes were demanded by Messrs. Baker, Burt, and Chase, with the following result:

AYES—Messrs. Baker, Brown, Cheney, Dickinson, Hittell, Johnson, Johnston, Pardee, Sears, Traylor, and Watson—11.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, Wendell, West, and Zuck—25.

Lost.

The question now recurred upon the adoption of the report of the committee.

Upon which the ayes and noes were demanded by Messrs. Johnson, Wendell, and Pardee, with the following result:

AYES—Messrs. Anderson, Brown, Carlock, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—29.

NOES—Messrs. Baker, Burt, Chase, Cheney, Davis, Dickinson, Hittell, and Pardee—8.

Report adopted.

Mr. Johnson thereupon gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the above report was adopted.

Also:

SENATE CHAMBER, SACRAMENTO, March 3d, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage beg leave to report and recommend the adoption of the following resolutions, viz.:

Resolved, That B. J. Watson be allowed sixteen dollars and eighty cents mileage to San Francisco, on duty connected with the State Prison Committee. Also, John Pattison, Clerk of same committee, for mileage to the San Quentin State Prison, the sum of nineteen dollars and twenty cents. Said amounts being payable out of the appropriation for the contingent expenses of the Senate.

Also:

Resolved, that A. Wasson, Louis Kaplan, and Wm. Broderick, be and they are hereby allowed the amounts set opposite to their names, viz.:

A. Wasson	\$60 00
L. Kaplan	37 60
W. Broderick	18 80

Said sums being due said Wasson for fees and expenses in subducing said Kaplan and Broderick, in the contested election case of Byrnes vs. Desty, and fees and mileage due said Kaplan and Broderick, in the same case, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

ZUCK, Chairman.

Resolutions, as reported, adopted.

Also:

SENATE CHAMBER, Sacramento, March 3d, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage beg leave to report and recommend the adoption of the following resolution, viz.:

Resolved, That the members of the Hospital Committee, and the Clerk, be allowed the amounts set opposite to their respective names for mileage, as shown in the following, said amounts to be paid out of the appropriation for the contingent expenses of the Senate:

Senator Rowell	\$40 00
Senator Lampson	40 00
Senator Hudson	40 00
Senator Anderson	40 00
Senator Gorman	40 00
F. T. Morrelle, Clerk	56 00

ZUCK, Chairman.

Resolution, as reported, adopted.

Further consideration of Assembly Bill No. 404.

Mr. Burt offered the following amendment: Amend section two, subdivision one, in lines nine and ten, of printed copy, by striking out the words "or right to the possession of;" also, by inserting the word "or" before the word "ownership."

Amendment lost.

Mr. Carlock moved to amend section two by striking out, in line twenty-two, of printed bill, the words "or ornamental."

Upon which the ayes and noes were demanded by Messrs. Johnson, Carlock, and Neumann, with the following result:

AYES—Messrs. Brown, Carlock, Davis, George, Hill, Hudson, Johnson, Johnston, Langford, Neumann, Pardee, Pool, and Traylor—13.

NOES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—26.

Lost.

Mr. Nye moved to amend section two, lines twenty-two and twenty-three, printed bill, by striking out the words "not of natural growth," upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Chase, with the following result:

AYES—Messrs. Baker, Cheney, Davis, Dickinson, George, Gorman, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Pool, Traylor, and Watson—18.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Enos, Glascock, Harlan, Hill, Kane, Lampson, Moreland, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—18.

Lost.

Mr. Johnson moved a reconsideration of the vote by which the amendment was lost.

Carried.

The question now recurred upon the adoption of the amendment of Mr. Nye.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Baker, with the following result:

AYES—Messrs. Baker, Brown, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pardee, Traylor, and Watson—17.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—22.

Lost.

Mr. George moved to amend section two, in line twenty-one, printed bill, by adding thereto the following, "also the clearing and reclaiming of land."

Lost.

Mr. Watson moved to amend line six, section three thousand six

hundred and twenty-seven, by striking out after the word "shall," the words "be its market value," and insert therefor the following: "The amount which the stock would be taken in payment of a just debt due from a solvent debtor."

Upon which amendment the ayes and noes were demanded by Messrs. Enos, Watson, and Johnson, with the following result:

AYES—Messrs. Baker, Brown, Cheney, George, Hittell, Hudson, Johnson, Neumann, Pardee, Ryan, Satterwhite, Traylor, and Watson—13.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Sears, Wendell, West, and Zuck—24.

Lost.

Mr. Watson moved to amend as follows: Insert in line eleven, section three thousand six hundred and twenty-seven, after the word "value," the following: "But the value of the cultivated land shall in no case be lowered to the price of uncultivated land, for the purpose of complying with this section."

Upon which amendment the ayes and noes were demanded by Messrs. Johnson, Enos, and Watson, with the following result:

AYES—Messrs. Baker, Brown, George, Hittell, Hudson, Johnson, Johnston, Neumann, Pardee, Traylor, and Watson—11.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—25.

Lost.

Mr. Baker moved to amend section four by striking out, in lines twenty-three, twenty-four, and twenty-five, the words, "In assessing solvent credits, not secured by mortgage or trust deed, a deduction therefrom shall be made of debts due to bona fide residents of this State," and insert in lieu thereof, "Except in the case of credits secured by mortgage or trust deed, a deduction shall be made from the total valuation of property of the amount of debts due to bona fide residents of this State: and each person shall be assessed upon the net balance remaining after making such deductions."

Upon the adoption of which the ayes and noes were demanded by Messrs. Enos, Baker, and Johnson, with the following result:

AYES—Messrs. Baker, Brown, Hudson, Johnson, Pardee, and Traylor—6.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—28.

Lost.

Mr. Baker moved to amend section four, line twenty-three, by striking out the word "solvent," after the word "assessing," and before the word "credits."

Lost.

RECESS.

At four o'clock and thirty-three minutes P. M., on motion of Mr. Satterwhite, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Assembly Bill No. 75, on motion of Mr. Sears, was postponed and made the special order for one week from to-night, at seven o'clock and thirty minutes P. M.

Mr. Johnson moved that the Senate do now resume the consideration of Assembly Bill No. 404.

So ordered.

Consideration of Assembly Bill No. 404 resumed.

Mr. Sears moved to amend subdivision six of section five, line forty-three, of printed bill, by adding after the word "statement" the following: "*Provided*, that no deposit in any savings and loan corporation organized under the laws of this State shall be given in said statement."

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Sears, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, and Watson—19.

NOES—Messrs. Anderson, Chase, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Rowell, Satterwhite, Wendell, West, and Zuck—20.

Lost.

Mr. Johnson moved to amend section five by adding thereto as follows:

7. The amount of the income received during the preceding year in excess of five thousand dollars, which excess shall be assessed as personal property.

Upon which the ayes and noes were demanded by Messrs. Johnson, Sears, and Kelly, with the following result:

AYES—Messrs. Brown, Carlock, Cheney, Davis, Dickinson, Enos, George, Hittell, Hudson, Johnson, Johnston, Moreland, Nelson, Neumann, Nye, Pool, Satterwhite, Sears, Traylor, West, and Zuck—21.

NOES—Messrs. Anderson, Baker, Burt, Chase, Conger, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Pardee, Rowell, Ryan, Watson, and Wendell—18.

Amendment adopted.

Mr. Johnson moved to amend by adding to section five as follows: "*Provided*, that when deposits of money, or the credits secured on property, not exempt from taxation under the laws of the United States, in which such deposits have been invested, are assessed to any person, firm, or corporation with which it has been deposited, the depositor or depositors shall not be assessed therefor."

Upon which the ayes and noes were demanded by Messrs. Wendell, Sears, and Johnson, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Sears, Traylor, and Watson—17.

NOES—Messrs. Anderson, Chase, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—22.

Lost.

At nine o'clock and thirty-two minutes P. M. Mr. Enos moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Johnson, Burt, and Enos, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Enos, Hill, Lampson, Langford, Moreland, Pool, Satterwhite, Wendell, and West—13.

NOES—Messrs. Baker, Burt, Brown, Carlock, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—26.

Lost.

Mr. Carlock moved to amend section five, subdivision six, in line forty-one, by inserting the words "and mercantile houses," after the word "banks."

Mr. Burt offered the following as an amendment to the amendment: Amend section five, subdivision six, by striking out all after the word "State," in line thirty-nine, of the printed copy, up to and including the word "bank," in line forty-three, and insert as follows: "The Assessor shall have the privilege of examining the books of such person, firm, or corporation."

Upon which the ayes and noes were demanded by Messrs. Burt, Neumann, and Nelson, with the following result:

AYES—Messrs. Burt, Carlock, Davis, Dickinson, George, Hill, Hudson, Johnson, Johnston, Kelly, Lampson, Neumann, Nye, Pardee, Ryan, Sears, Traylor, and Watson—18.

NOES—Messrs. Anderson, Baker, Brown, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hittell, Kane, Langford, Moreland, Nelson, Pool, Rowell, Wendell, West, and Zuck—20.

Lost.

The question now recurred upon the amendment as offered by Mr. Carlock.

Upon which the ayes and noes were demanded by Messrs. Enos, Watson, and Carlock, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Cheney, Davis, Dickinson, George, Hudson, Johnson, Lampson, Neumann, Pardee, Ryan, Traylor, and Watson—15.

NOES—Messrs. Anderson, Brown, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Sears, Wendell, West, and Zuck—23.

Lost.

At nine o'clock and forty-five minutes P. M. Mr. Enos moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Sears, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Kane, Langford, Moreland, Nelson, Pardee, Rowell, Wendell, West, and Zuck—19.

NOES—Messrs. Baker, Burt, Brown, Carlock, Dickinson, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Neumann, Nye, Pool, Ryan, Sears, Traylor, and Watson—19.

Lost.

Mr. Traylor moved to amend by striking out, in section five, subdivision six, line forty-two, printed bill, after the word "owing,"

"but the Assessor shall have the privilege of examining the books of such bank to verify said statement."

Upon which the ayes and noes were demanded by Messrs. Traylor, Johnson, and Anderson, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Dickinson, Hittell, Hudson, Johnson, Johnston, Neumann, Pardee, Ryan, Traylor, and Watson—14.

NOES—Messrs. Anderson, Burt, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—25.

Lost.

Mr. Lampson moved to amend by striking out, on page six, lines forty and forty-one, printed bill, the words "and the person to whom it is owing," after the word "debt," and insert the words "as stated under oath in aggregate."

Upon which the ayes and noes were demanded by Messrs. Lampson, Johnson, and Nelson, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Harlan, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, and Watson—24.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Hill, Kane, Kelly, Moreland, Pool, Satterwhite, Wendell, West, and Zuck—15.

Carried.

At ten o'clock and eleven minutes p. m. Mr. Wendell moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Wendell, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Davis, George, Gorman, Harlan, Kelly, Moreland, Rowell, Satterwhite, Watson, Wendell, West, and Zuck—16.

NOES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, and Traylor—23.

Lost.

Mr. Dickinson moved to strike out, in line thirty-three, on page six, of printed bill, the word "solvent."

Upon which the ayes and noes were demanded by Messrs. Dickinson, West, and Burt, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, and Traylor—15.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—23.

Lost.

Mr. Sears moved that Assembly Bill No. 404 be made the special order for to-morrow, at ten o'clock and thirty minutes a. m.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and West, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, George, Gorman, Harlan, Kane, Kelly, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—23.

NOES—Messrs. Baker, Brown, Cheney, Dickinson, Enos, Glascock, Hill, Hittell, Hudson, Johnson, Johnston, Nelson, Neumann, Nye, Pardee, and Traylor—16.

Carried.

E. J. McINTOSH,
L. J. HARDY,
CHAS. N. FOX,
For the Assembly.

On motion of Mr. Johnson, the report was concurred in.

Mr. Traylor moved that Senate Bill No. 354 be made the special order for Saturday at eleven o'clock A. M.

Carried.

Mr. Davis moved that Senate Bill No. 399 be placed at the head of the general file for first reading.

Carried.

NOTICE.

Mr. Satterwhite gave notice that, to-morrow, he would call for a report from the Committee on Elections, in regard to the matter of the contested election case of Byrnes vs. Desty.

REPORT.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, March 4th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 221—An Act to compel railroad corporations or individuals owning railroads to operate their roads—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

SEARS, Chairman.

SPECIAL ORDERS, WEDNESDAY, MARCH THIRD, DIRECTLY AFTER READING JOURNAL, TO CONTINUE UNTIL DISPOSED OF.

Assembly Bill No. 404—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Senate Bill No. 398—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-

three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Senate Bill No. 397—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to add a new section, to be numbered three thousand six hundred and sixty-four to, and to reenact section three thousand seven hundred and seventeen of, title nine, of the Political Code, to provide revenue for the support of the government of the State.

Assembly Bill No. 404 taken up for consideration.

Mr. Ryan moved to amend by striking out, from line nineteen, section seven, printed bill, the word "and," between the words "survey and define," and inserting instead the words "or otherwise."

Lost.

Mr. Cheney moved that the following be adopted as a substitute for section three thousand six hundred and forty:

2640. Each person, firm, or corporation, owning or having in his or its possession any of the shares of the capital stock of any corporation, association, or joint stock company, shall be assessed thereupon. If the corporation, association, or joint stock company, has its principal place of business in this State, the assessable value of each share of its stock shall be ascertained by taking from the market value of its entire capital the value of all property assessed to it, and dividing the remainder by the entire number of shares into which its capital stock is divided.

Mr. Satterwhite offered the following as an amendment to the amendment: Amend section eight by striking out the whole of the section, and inserting the following:

Section 2640. The property of corporations, associations, and joint stock companies shall be assessed to them at their principal places of business. The owners or holders of certificates of shares in the capital stock of corporations, associations, and joint stock companies must be individually assessed to such shares of stock at their market value, after deducting therefrom the value of the property assessed to the corporation, association, or joint stock company. Each shareholder is entitled to a pro rata deduction. The shares of capital stock in National Banks, owned by non-residents of this State, shall be assessed to such owners at the town or city where such bank is located.

RECESS.

During the consideration of the same, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Consideration of Assembly Bill No. 404 continued.

Mr. Kane gave notice that, on to-morrow, he would introduce a resolution limiting members in debate to seven minutes.

The question now recurred upon the substitute, as introduced by Mr. Satterwhite.

Upon which the ayes and noes were demanded by Messrs. Johnson, Satterwhite, and Cheney, with the following result:

AYES—Messrs. Davis, Enos, Glascock, Gorman, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Satterwhite, Sears, and Traylor—11.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Pardee, Pool, Rowell, Ryan, Watson, Wendell, West, and Zuck—25.

Lost.

The question now recurred upon the amendment as introduced by Mr. Cheney.

Upon which the ayes and noes were demanded by Messrs. Cheney, Enos, and Anderson, with the following result:

AYES—Messrs. Brown, Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Hudson, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—22.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Glascock, Gorman, Harlan, Hill, Kane, Lampson, Langford, Moreland, Rowell, Wendell, West, and Zuck—17.

Amendment adopted.

Mr. Cheney moved to amend by striking out from lines seven, eight, and nine, section three thousand six hundred and forty, Cheney's substitute, the words, "if the corporation, association, or joint stock company has its principal place of business in this State." In line eleven strike out "its," and insert "the," and after "stock," insert "of said corporation, association, or joint stock company."

Mr. Moreland offered the following as a substitute for the whole of section eight:

SECTION 8. Section three thousand six hundred and forty of said Code is hereby amended so as to read as follows:

Section 3640. The shares of the capital stock of all corporations, associations, or joint stock companies, having their principal place of business in this State, shall be assessed to the persons whose names appear as the owners or holders thereof on the books of such corporation, association, or joint stock company, on the first Monday in March, at twelve o'clock meridian. The

said corporation, association, or joint stock company shall be liable for the payment of said tax, and may charge to each individual owning such stock the amount of his proportion of the tax so paid. The owners or holders of capital stock in corporations, associations, or joint stock companies, whose principal place of business is not within this State, must be individually assessed for such stock.

During the discussion of the same, Mr. Pardee introduced a petition from one thousand six hundred and ninety-three taxpayers of San Francisco, protesting against the passage of a bill in which double taxation is embodied.

Upon the substitute of Mr. Moreland, the ayes and noes were demanded by Messrs. Cheney, Moreland, and Hill, with the following result:

AYES—Messrs. Anderson, Burt, Glascock, Gorman, Harlan, Hill, Kane, Lampson, Langford, Moreland, Rowell, Wendell, West, and Zuck—14.

NOES—Messrs. Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Hudson, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—23.

Lost.

The question now recurred upon the amendment as offered by Mr. Cheney.

Upon which the ayes and noes were demanded by Messrs. Cheney, Harlan, and Kane, with the following result:

AYES—Messrs. Baker, Brown, Cheney, Davis, Dickinson, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, and Watson—17.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Rowell, Sears, Wendell, West, and Zuck—22.

Lost.

By permission, Mr. Neumann introduced the following communication, out of order:

ROMAN CATHOLIC ORPHAN ASYLUM, }
SOUTH SAN FRANCISCO, March 3d, 1880. }

To the Honorable the Senate and Assembly of the State of California:

GENTLEMEN: Having heard the result of your charitable deliberations, concerning the maintenance of the destitute and friendless children of the State, we think you will not consider it amiss if we, the recipients of your bounty at present residing in the Roman Catholic Orphan Asylum, of San Francisco, tender you our most heartfelt thanks for the fatherly interest you have taken in our welfare, and the generosity with which you have provided for our support.

Those charged with our education have not failed to impress upon us the duty of gratitude to benefactors; and, if we should thankfully acknowledge ordinary favors, with much stronger reason, the benefit bestowed by your honorable body, since it is not for one year, or to supply only our present wants, but it is to procure lasting advantages to the institution that extends to us its fostering care.

We thank you, gentlemen, for ourselves, and for the generations of children who, in years to come, will, through your thoughtful kindness, receive food, shelter, and the benefit of a Christian education, within the walls of this Asylum.

As children, and poor children, thanks are all we can offer; but we trust that our future lives will be such as to give you most substantial and consoling proof that your generous cares were not ill-bestowed.

If our poverty forbids us the pleasure of acknowledging your kindness by earthly gifts, at least we have power in heaven, and our prayers will not fail to be offered to the God of the fatherless, that He may bless you abundantly, and that your own children may long enjoy the love and protection of their tender parents—a benefit which an all-wise Providence for His own good ends has deprived your grateful servants, the Orphans, Half Orphans, and Abandoned Children of the Roman Catholic Orphan Asylum, San Francisco, California.

Mr. Satterwhite moved to amend by adding to end of section three thousand six hundred and forty, "the owner of shares of stocks to be entitled to the deduction provided for in this section, must pro-

duce to the Assessor a certificate of the amount of the property of the corporation, association, or joint stock company."

Adopted.

Mr. Glascock moved a reconsideration of the vote whereby the amendment was adopted.

Upon which the ayes and noes were demanded by Messrs. Johnson, Baker, and Satterwhite, with the following result:

AYES—Messrs. Chase, George, Glascock, Hudson, Johnson, Johnston, Kane, Kelly, Neumann, Nye, Pardee, Pool, Traylor, and West—14.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Lampson, Langford, Moreland, Rowell, Satterwhite, Sears, Watson, Wendell, and Zuck—23.

Lost.

Mr. Johnston moved to reconsider the vote whereby the substitute offered by Mr. Cheney was adopted.

Upon which the ayes and noes were demanded by Messrs. Johnston, Enos, and Cheney, with the following result:

AYES—Messrs. Burt, Chase, Glascock, Gorman, Johnston, Kane, Moreland, Rowell, Wendell, and West—10.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, and Zuck—23.

The Senate refused to reconsider the same.

Mr. Hittell moved to amend section eight, by adding thereto, as follows: "Credits, claims, and demands, due, owing, or accruing to bona fide residents of this State, for or on account of money deposited with any savings and loan corporation, organized under the laws of this State, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property of such corporation."

Upon which the ayes and noes were demanded by Messrs. Hittell, Enos, and Johnson, with the following result:

AYES—Messrs. Baker, Brown, Davis, Dickinson, Hittell, Hudson, Johnson, Neumann, Nye, Pardee, and Traylor—11.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck—27.

Lost.

At four o'clock and forty-five minutes p. m. Mr. Pardee moved to adjourn.

Lost.

Mr. Zuck moved to amend, at the end of section eight, by adding, "The owner or holder of capital stock in corporations, associations, and joint stock companies, whose principal place of business is not within the State, must be individually assessed for such stock."

Upon which the ayes and noes were demanded by Messrs. Zuck, Conger, and Nelson, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Rowell, Satterwhite, Wendell, West, and Zuck—22.

NOES—Messrs. Baker, Brown, Conger, Dickinson, George, Hittell, Johnson, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, and Watson—16.

Carried.

Mr. Johnson, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby the resolution relating to E. Allen, as reported by the Committee on Contingent Expenses and Mileage, was adopted.

Upon which the ayes and noes were demanded by Messrs. Chase, Johnson, and Zuck, with the following result :

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Pardee, Pool, Sears, Traylor, and Watson—18.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Mansfield, Nelson, Nye, Rowell, Ryan, Satterwhite, Wendell, and West—20.

Senate refused to reconsider.

Mr. Pardee moved to amend section eight as follows: "*Provided*, that no individual company or corporation shall be assessed or taxed but once each year on the same property."

Upon which the ayes and noes were demanded by Messrs. Enos, Pardee, and Watson, with the following result:

AYES—Messrs. Baker, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Nye, Pardee, Pool, Ryan, Sears, Traylor, and Watson—15.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Mansfield, Nelson, Neumann, Rowell, Satterwhite, Wendell, West, and Zuck—22.

Lost.

Mr. Dickinson moved that the further consideration of Assembly Bill No. 404 be continued, and made the special order for immediately after the reports of the Standing Committees to-morrow morning.

Carried.

ADJOURNMENT.

At five o'clock p. m., upon motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 5th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Mansfield, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Carlock:

SENATE CHAMBER, March 5th, 1880.

MR. PRESIDENT: Your Committee on Fisheries and Game, to whom was referred Senate Bill No. 403—entitled an Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries—have had the same under consideration, and report it back with amendments, and recommend passage as amended.

Also, Senate Bill No. 319—entitled an Act to provide for the establishment of salmon hatching works on some tributary of the San Joaquin River, and to make an appropriation therefor—have had the same under consideration, and report it back with amendments, and recommend passage as amended.

Also, Senate Bill No. 42—entitled an Act to amend chapter one, title fifteen, of the Penal Code, relating to violations of the laws for the preservation of fish and game—have had the same under consideration, and report it back with amendments, and recommend passage as amended.

CARLOCK, Chairman.

By Mr. Neumann:

SENATE CHAMBER, SACRAMENTO, March 5th, 1880.

MR. SPEAKER: The Committee on Elections report that Robert Dwyer is not entitled to the seat in this Senate claimed by him, for the reason that he never became a citizen of the United States until February twenty-fourth, eighteen hundred and eighty.

NEUMANN, Chairman.

Mr. Neumann moved that the report be adopted.

Mr. Johnson moved that the report be laid upon the table.

Upon which the ayes and noes were demanded by Messrs. Enos, Satterwhite, and Johnson, with the following result:

AYES—MESSRS. Baker, Burt, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—23.

NOES—MESSRS. Anderson, Chase, Conger, Enos, Glasecock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, and Satterwhite—14.

Carried.

By Mr. Burt:

SENATE CHAMBER, March 5th, 1880.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bills Nos. 408, 409, and 410, defining legal holidays, have considered the same, and report them back recommending their passage.

BURT, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 5th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 7—An Act to amend sections one hundred and forty-seven, one hundred and forty-eight, and one hundred and forty-nine, of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to the seals of Courts—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed, for the reason that its provisions are all contained in Senate Bill No. 118.

Also, Senate Concurrent Resolution No. 5—Proposed amendments to the Constitution—and recommend that it be not adopted.

Also, Senate Bill No. 126—An Act relating to foreign insurance companies—and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 8—An Act to amend sections two hundred and seventy-five, two hundred and seventy-six, and two hundred and eighty-seven, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to attorneys and counselors at law—and recommend that it be indefinitely postponed, for the reason that its provisions are contained in Senate Bill No. 118, which has already passed both Houses.

Also, Senate Bill No. 95—An Act to amend section nine hundred and fifty of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the approval of bonds of county and township officers—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 168—An Act to amend section ten thousand one hundred and seventeen of the Code of Civil Procedure, defining the jurisdiction of Justices' Courts—and recommend that it be indefinitely postponed, its provisions being contained in Senate Bill No. 118.

Also, Senate Bill No. 190—An Act to amend sections two thousand one hundred and sixty-eight and two thousand two hundred and nine of the Civil Code, in reference to common carriers—and recommend its passage.

Also, Assembly Bill No. 53—An Act to amend section two thousand one hundred and seventy of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to common carriers—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 276—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels—and recommend its passage.

Also, Senate Bill No. 290—An Act to amend sections one thousand two hundred and forty-one and one thousand two hundred and sixty of the Civil Code, relating to homesteads—and recommend that the author have leave to withdraw it.

Also, Senate Bill No. 291—An Act to amend section one thousand two hundred and sixty of the Civil Code, relating to homesteads—and recommend that the author have leave to withdraw the bill.

Also, Senate Bill No. 292—An Act to amend sections one thousand four hundred and seventy-five and one thousand four hundred and seventy-six of the Code of Civil Procedure, relating to homesteads—and recommend that the author have leave to withdraw it.

Also, Senate Bill No. 303—An Act to repeal sections three hundred and fifteen, three hundred and sixteen, and three hundred and seventeen, of the Code of Civil Procedure—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 314—An Act to repeal section three thousand four hundred and thirty-two of the Civil Code, relating to debtors and creditors—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 212—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure, relating to taking private property for public use—and report the same without recommendation.

Also, Senate Bill No. 317—An Act to amend section one thousand seven hundred and twenty-six of the Code of Civil Procedure, relating to the duties of Public Administrators—and recommend its passage.

Also, Senate Bill No. 331—An Act to amend section one thousand two hundred and forty-one of the Civil Code, relating to homesteads—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 338—An Act to amend section two thousand and eighty-four of the Code of Civil Procedure, in relation to perpetuate testimony—and recommend that it be indefinitely postponed, for the reason that its provisions are found in Senate Bill No. 177.

Also, Senate Bill No. 353—An Act concerning attorneys' fees provided for in mortgages and other written instruments on actions brought thereon—and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 190—An Act to amend sections two hundred and four, two hundred and six, two hundred and nine, two hundred and eleven, two hundred and fifteen, two hundred and fourteen, two hundred and nineteen, and two hundred and forty-one, and to repeal sections two hundred and sixteen, two hundred and seventeen, and two hundred and eighteen of the Code of Civil Procedure of this State, in relation to the selection and drawing of jurors—and recommend that it be indefinitely postponed, for the reason that all its provisions are contained in Senate Bill No. 118.

Also, Senate Bill No. 380—An Act to amend section one hundred and fourteen of the Code of Civil Procedure—and recommend that it be indefinitely postponed, for the reason that its provisions are contained in Senate Bill No. 118.

Also, Senate Bill No. 381—An Act to add a new section to the Civil Code, to be numbered two thousand nine hundred and thirty-seven, relating to mortgages—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 382—An Act to add a new section to the Code of Civil Procedure, to be numbered six hundred and seventy-six, relating to judgments—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 395—An Act to provide for the payment of the Judges of the Superior Courts in this State—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 396—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the levy of attachments—and recommend its passage.

Also, Senate Bill No. 421—An Act to amend section three hundred and thirty-two of the Penal Code, relating to cheating under pretense of playing at games of chance—and recommend its passage.

Also, Senate Bill No. 357—An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to the Town of Quincy, Plumas County, and to regulate fares and freights thereon—and recommend that it be indefinitely postponed, for the reason that said bill is in conflict with section one of article twelve, with subdivision nineteen of section twenty-five of article four, and with subdivision twenty-five of section twenty-five of article four, of the Constitution.

Also, Assembly Bill No. 15—An Act to amend sections thirty-three, thirty-four, thirty-five, thirty-six, forty, forty-three, forty-four, forty-six, forty-seven, forty-eight, forty-nine, fifty,

fifty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-nine, ninety, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, one hundred and eighteen, one hundred and thirty, one hundred and thirty-four, one hundred and forty-four, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and sixty-one, one hundred and sixty-six, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-nine, one hundred and eighty-four, one hundred and eighty-five, two hundred and sixty-five, two hundred and sixty-six, and nine hundred and eighteen, and to repeal sections two hundred and fifty-eight and two hundred and fifty-nine, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to Courts of justice and judicial officers—and report the same back, and recommend that it be indefinitely postponed, as its provisions are contained in Senate Bills Nos. 118 and 158, already passed by the Senate.

NYE, Chairman.

By Mr. Sears :

SENATE CHAMBER, SACRAMENTO, March 5th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 144—An Act to amend section three hundred and fifty-nine of the Civil Code, providing for the increase of the capital stock of corporations—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 157—An Act to punish willful misrepresentations by life insurance companies and their agents—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 400—An Act to amend section two thousand seven hundred and fifty-six of the Civil Code, and to add a new section to the same Code, to be known as section two thousand seven hundred and fifty-seven, concerning fire insurance—and report the same back, and recommend its passage.

Also, Senate Bill No. 315—An Act to regulate the issuance of certificates of stock of corporations incorporated under the laws of this State—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 203—An Act to regulate the levying of assessments or calls upon the capital stock of corporations—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 25—An Act to add a new section, to be known as section six hundred and fifty-four (c), to an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments, and declaring it to be a misdemeanor for any officer, agent, or employé of any railroad corporation or transportation company to demand or receive rates of fare or freight in excess of those established by the Railroad Commissioners, and prescribing the punishment therefor—and return the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 26—An Act to add a new section, to be known as section six hundred and fifty-four (a), to an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments, and declaring it to be a misdemeanor for any railroad corporation or transportation company to fail or refuse to conform to the rates of charges for the transportation of passengers or freight established by the Railroad Commissioners, or to charge rates in excess thereof, and prescribing the punishment therefor—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 27—An Act to add a new section, to be known as section six hundred and fifty-four (b), to an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, on the subject of crimes and punishments, and declaring it to be a misdemeanor for any railroad corporation or transportation company to fail to keep its accounts in accordance with the system prescribed by the Railroad Commissioners, and prescribing the punishment therefor—and report the same back, and recommend that it be indefinitely postponed.

SEARS, Chairman.

Mr. Kane, pursuant to notice given yesterday, now introduced the following resolution:

Resolved, That no Senator be allowed to speak for a longer time than seven minutes on the revenue and taxation bills.

Mr. Enos moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Enos, Baker, and Burt, with the following result:

AYES—Messrs. Anderson, Dickinson, Enos, George, Glascock, Harlan, Hittell, Johnson, Kelly, Nelson, Sears, Traylor, Watson, and Wendell—14.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Gorman, Hill, Hudson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, West, and Zuck—25.

Lost.

Mr. Chase moved to amend by adding, "on any one subject of debate."

Lost.

Mr. Kane moved to amend by adding, "on any one section."

Lost.

The question now recurred upon the original resolution.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Kane, with the following result:

AYES—Messrs. Burt, Brown, Harlan, Hill, Johnston, Kane, Langford, Moreland, Rowell, Satterwhite, and Zuck—11.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hummel, Hudson, Johnson, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, and West—28.

Lost.

SPECIAL ORDERS, DIRECTLY AFTER REPORTS OF COMMITTEES, TO CONTINUE UNTIL DISPOSED OF.

Assembly Bill No. 404—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Senate Bill No. 398—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hun-

dred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Senate Bill No. 397—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-one, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to add a new section, to be numbered three thousand six hundred and sixty-four to, and to reenact section three thousand seven hundred and seventeen of, title nine, of the Political Code, to provide revenue for the support of the government of the State.

Assembly Bill No. 404 considered.

Mr. Enos moved to amend by striking out, from line fifty-six, section ten, subdivision fifteen, printed bill, the words "in its corporate name."

Adopted.

Mr. Conger moved to amend section ten, subdivision three, by striking out the subdivision.

Lost.

Mr. Johnson moved to amend section ten, subdivision fifteen, by inserting the word "market," before the word "value."

Adopted.

Mr. Cheney moved to amend section eleven, in the form of assessment book, division eleven, by inserting after the word "corporation" the words "or individual stockholder."

Adopted.

Mr. Wendell moved to amend section eleven by inserting in form book, between columns headed respectively, "Deductions on account of mortgages, deeds of trust, etc.," and "Deductions to corporations or individual stockholders," a new column, headed "Deductions on account of debts due bona fide residents."

Adopted.

Mr. Wendell moved to amend section thirteen by striking out all after the word "same," in line eight of printed bill.

Upon which the ayes and noes were demanded by Messrs. Wendell, Baker, and Johnson, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

Amendment adopted.

Mr. Ryan moved to amend by striking out, from line four, section fourteen, printed bill, the word "April," and inserting instead the word "May."

Adopted.

Mr. Ryan moved to amend by striking out, from line twenty-four, section fourteen, printed bill, the word "April," and inserting instead the word "May."

Adopted.

Mr. Wendell moved to amend section fourteen, by inserting immediately after the word "road-bed," in line thirty, page fifteen, of printed bill, the word "track."

Adopted.

Mr. West moved to amend section fifteen, by striking out the words "levy and," in line seven, of printed bill.

Adopted.

Mr. Burt moved to amend, in line seven, section seventeen, printed bill, by inserting after the word "office," the words "not barred by the statute of limitation."

Adopted.

Mr. Johnson moved to amend by inserting a new section, to be numbered and to read as follows:

SECTION 19. Section three thousand seven hundred and fourteen is hereby amended so as to read as follows:

2714. The Board of Supervisors of each county must, on the first Monday of October, fix the rate of county taxes, designating the number of cents on each hundred dollars of property levied for each fund, and must levy the State and county taxes upon the taxable property of the county; *provided*, that it shall not be lawful for any Board of Supervisors of any county in the State to levy, nor shall any tax greater than fifty cents on each one hundred dollars of property be levied or collected in any one year, to pay the bonded indebtedness or judgment arising therefrom, of this State or of any county or municipality in this State.

And to renumber the remaining sections.

Adopted.

Mr. George moved to amend by striking out, from line seven, section twenty-three, printed bill, the words "then it shall be three dollars."

Lost.

Mr. Davis, by permission, introduced the following bill out of order:

Senate Bill No. 426—An Act to continue in operation the public schools of this State.

Read first time.

Mr. Johnson moved that so much of section fifteen, article four, of the Constitution be dispensed with, as required bills to be read on three several days, on the ground of urgency.

Upon which the ayes and noes were demanded by Messrs. West, Davis, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Watson—27.

NOES—Messrs. Enos, Gorman, Kelly, Langford, Moreland, Nelson, Nye, Satterwhite, Wendell, West, and Zuck—11.

Carried.

Bill read second time, and, on motion of Mr. Johnson, ordered printed, and made the special order for four o'clock p. m. to-day.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Leave of absence granted Senator Davis until Monday morning, on account of sickness.

Consideration of Assembly Bill No. 404 continued.

Mr. Sears moved to amend section five, subdivision seven, by striking out the following: "The amount of the income received during the preceding year in excess of five thousand dollars, which excess shall be assessed as personal property."

Upon which the ayes and noes were demanded by Messrs. Sears, Johnson, and Chase, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Lampson, Langford, Pardee, Pool, Ryan, Sears, Watson, and Wendell—22.

NOES—Messrs. Hittell, Johnson, Kelly, Moreland, Rowell, Satterwhite, Traylor, West, and Zuck—9.

Adopted.

Mr. Wendell moved to amend section eight of the bill by adding the words, "shareholders, in the statement required by section three thousand six hundred and twenty-nine of this Code, shall specify the number of shares of stock held by them, and the name of the corporations."

On motion of Mr. Johnson, all the special orders for to-day were postponed until after the consideration of the revenue bills.

Carried.

Mr. Sears moved that Senate Bill No. 188 be postponed, and made the special order for one o'clock and thirty minutes p. m. Monday.

Carried.

Amendment, as offered by Mr. Wendell, adopted.

Mr. Sears moved to amend section fifteen, line five, printed bill, by inserting after the word "cities," the words, "and towns."

Adopted.

Mr. Traylor moved to amend, in printed bill, section five, subdivision five, line twenty-nine, between the words "and deposits," by inserting the word "special."

Upon which the ayes and noes were demanded by Messrs. Chase, Enos, and Traylor, with the following result:

AYES—Messrs. Baker, Brown, Cheney, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Nye, Pardee, Pool, Sears, Traylor, and Watson—15.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—22.

Lost.

Mr. Rowell offered the following as an amendment: Amend section fourteen, subdivision *b*, line twenty-three, by inserting the word "proportionate," between "the" and "gross;" also, "as nearly as possible," after the word "State," of said line.

Upon which the ayes and noes were demanded by Messrs. Enos, Rowell, and Chase, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Watson—20.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Kane, Kelly, Lampson, Langford, Moreland, Satterwhite, Wendell, West, and Zuck—16.

Adopted.

Mr. Sears moved to amend section five, line six: After the word "March," add "*provided*, that no deposits in any savings and loan corporation, organized under the laws of this State, shall be given in said statement."

The Chair ruled that the amendment was not in order, on the ground that the Senate had previously considered the same, and voted it down.

Mr. Sears appealed from the decision of the Chair.

During the consideration of the appeal, Mr. Dickinson presented a petition from one thousand six hundred taxpayers of the City and County of San Francisco, protesting against double taxation.

Also, a petition from some ninety taxpayers of Oakland, protesting against double taxation.

SPECIAL ORDER FOR FOUR O'CLOCK P. M.

Senate Bill No. 426—An Act to continue in operation the public schools of this State.

Mr. Johnson moved that so much of section fifteen, article four, as requires bills to be read on three several days, be dispensed with, and that the same be placed upon its passage.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Dickinson, Enos, George, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Pardee, Ryan, Sears, Traylor, and Watson—22.

NOES—Messrs. Chase, Glascock, Gorman, Hill, Kane, Langford, Moreland, Nelson, Nye, Pool, Rowell, Satterwhite, Wendell, West, and Zuck—15.

Lost.

Mr. Johnson moved to make Senate Bill No. 426 the special order for to-morrow morning, immediately after the reading of the Journal.

Carried.

The question now recurred upon the appeal from the decision of the Chair.

Pending the discussion of the same, Mr. Dickinson gave notice that, on to-morrow, he would rise to a question of privilege, and require certain explanations.

Mr. Pardee also gave notice that, on to-morrow, he would rise to a question of privilege, requiring certain explanations to be made.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Enos, Zuck, and Sears, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Satterwhite, Wendell, West, and Zuck—23.

NOES—Messrs. Baker, Brown, Cheney, Dickinson, Hittell, Hudson, Johnson, Johnston, Nye, Pardee, Ryan, Sears, Traylor, and Watson—14.

Decision of the Chair sustained.

Bill read second time, and ordered on the general file for third reading.

At six o'clock and fifteen minutes P. M. Mr. Satterwhite moved that the Senate adjourn until to-morrow morning at ten o'clock A. M.

Upon which the ayes and noes were demanded by Messrs. Johnson, Satterwhite, and Enos, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Enos, George, Gorman, Harlan, Kane, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—19.

NOES—Messrs. Baker, Burt, Brown, Carlock, Dickinson, Glascock, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nye, Pardee, Rowell, Traylor, and Watson—18.

Motion lost, it requiring a two-third vote to suspend the rules.

RECESS.

At six o'clock and seventeen minutes P. M., on motion of Mr. Johnson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at eight o'clock P. M.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

By permission Mr. Ryan introduced the following bill out of order: Senate Bill No. 427—An Act to authorize Boards of Supervisors to pay the expenses of posse comitatus in criminal case.

Read first time, and referred to the Committee on Finance.

Mr. Enos moved that the President be authorized to appoint a committee of three, whose duty it shall be to investigate certain matters mentioned by Senators Kane and Zuck during the debate this afternoon, and which said committee shall have full power to subpoena and detain persons for purposes of arriving at correct conclusions regarding those matters upon which they are to deliberate.

Mr. Sears moved that the whole matter be postponed until to-morrow.

Carried.

GENERAL FILE.

Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

On motion of Mr. Dickinson, it was ordered recommitted to the author, with special instruction, and that the same be made the special order for one o'clock and thirty minutes p. m. Tuesday.

Carried.

Senate Bill No. 211—An Act to amend section one thousand four hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnson, Kane, Kelly, McFarland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, West, and Zuck—27.

NOES—Messrs. Glascock, Hill, Hittell, Hudson, Lampson, Ryan, and Wendell—7.

The title was then read, and the same approved as read.

Mr. Anderson granted leave of absence for the rest of the day on account of sickness.

Senate Bill No. 329—An Act to provide for the compensation of the officers and persons performing duties and incurring expense under "An Act to create a drainage district, to be called the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight.

Mr. Wendell moved to recommit to the Judiciary Committee with special instructions, and that they be required to report the same back Tuesday morning.

Carried.

Senate Bill No. 321—An Act making an appropriation for the improvement of L Street, between Tenth and Fifteenth Streets, in the City and County of Sacramento.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnson, Kane, Kelly, McFarland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—Mr. Kane—1.

The title was then read, and the same approved as read.

Senate Bills Nos. 92 and 98 passed on the file.

Senate Bill No. 253—An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide a bounty for the same," approved March thirtieth, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnson, Kane, Kelly, McFarland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Senate Bill No. 311—An Act to appropriate money to the California Artificial Stone Paving Company, to pay the balance due the company for laying down the stone walks and avenues about the Capitol grounds.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Ryan, Traylor, Watson, and West—29.

NOES—Messrs. Moreland, Nye, Satterwhite, Wendell, and Zuck—5.

The title was then read, and the same approved as read.

Senate Bill No. 232—An Act concerning the trial of escaped convicts from the State Prison, and the costs of the same.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—25.

NOES—Messrs. Chase, Enos, Gorman, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, and Nelson—11.

The title was then read, and the same approved as read.

Substitute for Senate Bill No. 234—An Act to add a new section to the Penal Code, to be known as section one hundred and eleven, relating to costs in certain criminal actions.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

The title was then read, and the same approved as read.

Assembly Bill No. 81—An Act to amend section five hundred and ninety-nine of the Penal Code, relating to the protection of seals and sea lions near the Cliff House, in the City and County of San Francisco.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—27.

NOES—Messrs. Burt, Chase, Dickinson, Nye, Pardee, and Rowell—6.

The title was then read, and the same approved as read.

Senate Bill No. 399—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-five, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-one, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and sixteen, one thousand six hundred and seventeen, one thousand six hundred and nineteen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and twenty-four, one thousand six

hundred and sixty-two, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand six hundred and ninety-six, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and fifteen, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-four, and to repeal sections one thousand six hundred and fifty-two, one thousand six hundred and sixty-nine, one thousand six hundred and seventy, one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, one thousand seven hundred and forty-six, one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, one thousand seven hundred and fifty-two, one thousand seven hundred and fifty-three, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and seventy-seven, one thousand seven hundred and ninety-three, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight, one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, and one thousand eight hundred and seventy-two, of the Political Code, and to add five new sections thereto, to be known as sections one thousand five hundred and sixty-five, one thousand five hundred and eighty-three, one thousand seven hundred and three, one thousand seven hundred and four, and one thousand eight hundred and seventy-nine.

Read first time, and ordered on the general file for second reading.

ADJOURNMENT.

At nine o'clock and forty-six minutes p. m., upon motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, March 6th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 5th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate Bill, No. 426—An Act to continue in operation the public schools of this State.

CHENEY, Chairman.

SPECIAL ORDERS—DIRECTLY AFTER READING JOURNAL.

Senate Bill No. 426—An Act to continue in operation the public schools of the State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Pool, Rowell, Ryan, Traylor, Watson, Wendell, and West—28.

NOES—Messrs. Moreland and Nye—2.

Title was then read, and the same approved as read.

Mr. Johnson moved that Assembly Bill No. 404 be taken up and put upon its passage.

The Chair decided the motion out of order, upon the ground that the bill had not been printed as amended, and could not be put upon its passage until so printed:

Mr. Johnson appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Johnson, Enos, and Wendell, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—32.

NOES—None.

Decision of the Chair sustained.

By permission, Mr. Baker introduced a petition from the citizens of Santa Clara County, protesting against double taxation.

REPORTS OF STANDING COMMITTEES.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, March 5th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bills Nos. 298 and 367, have had the same under consideration, and report the same back to the Senate, and recommend their passage.

JOHNSTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 5th, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 339, have had the same under consideration, and report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 5th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 55—An Act entitled an Act fixing the compensation of members, officers, and employes of the Legislature—and Senate Bill No. 103—An Act to amend sections two hundred and forty-five, two hundred and forty-eight, and two hundred and forty-nine, of the Political Code, relating to Clerks of the Senate and Assembly—have had the same under consideration, and report the same back to the Senate with a substitute thereto, and recommend the adoption of the substitute.

Also, Senate Bill No. 210—An Act to regulate the charges upon telegraph lines, and to prevent extortion by owners of telegraph lines—and report the same with amendments, and recommend its passage as amended.

NYE, Chairman.

Also:

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 210—An Act to regulate the charges upon telegraph lines, and to prevent extortion by owners of telegraph lines—dissent from the report of the majority, and recommends the indefinite postponement of the bill, on the ground that in the opinion of this minority there has been no sufficient evidence on which to base the majority report.

S. G. NYE.

By Mr. Pardee:

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 345—An Act to amend sections three hundred and fifty-two, three thousand six hundred and ninety-two, and three thousand seven hundred and two, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add sections three thousand six hundred and ninety-five and three thousand seven hundred to said Code, relating to the State Board of Equalization—beg leave to report that they have had the same under consideration, and recommend its passage as amended.

PARDEE, Chairman.

Mr. Wendell moved that Senate Bill No. 397 be taken up out of order, and indefinitely postponed.

Mr. Johnston moved as an amendment that the bill be placed at the foot of the file.

Lost.

Upon Mr. Wendell's motion the ayes and noes were demanded by Messrs. Johnston, Johnson, and Wendell, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hall, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—26.

NOES—Messrs. Baker, Dickinson, Hittell, Johnson, Johnston, Pardee, Traylor, and Watson—8.

Carried.

Mr. Wendell moved that Senate Bill No. 398 be taken up and indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Johnson, Wendell, and Pardee, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Wendell, West, and Zuck—29.

NOES—Messrs. Baker, Johnston, and Watson—3.

Carried.

Mr. Traylor moved that Senate Bill No. 354, made the special order for eleven o'clock A. M. to-day, be now taken up.

Carried.

Senate Bill No. 354—An Act to add a new section to the Political Code, to be known as section one thousand six hundred and eighteen, relating to salaries of school teachers in cities having one hundred thousand inhabitants or more.

Read second time.

Senate considered as in Committee of the Whole.

Amendment adopted in Senate.

Mr. Nye moved a reconsideration of the vote whereby the amendment limiting the application of the bill to cities of one hundred thousand inhabitants was adopted.

Lost.

Mr. Nye moved that the bill be recommitted to the Committee on Education with special instructions.

Lost, and bill ordered engrossed.

Senate Bill No. 357 withdrawn by the author.

Senator Neumann granted leave of absence until Monday, at two o'clock P. M., on account of sickness.

Senate Bill No. 331 withdrawn by the author.

Senate Bill No. 290 withdrawn by the author.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Pardee, Pool, Ryan, Satterwhite, Traylor, Wendell, and Zuck.

Quorum present.

Mr. Zuck moved that the special order be temporarily postponed, and that the Senate resume its regular order of business.

Carried.

Mr. Wendell, from the Committee on County and Town Governments, verbally reported back Senate Bill No. 286, and recommended that the same be referred to the Committee on City and Town Governments.

So ordered.

Mr. Johnson moved that the general file be continued until after the introduction of bills.

Carried.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 428—An Act to amend section nine hundred and eighty-seven of the Penal Code, relating to the power of the Court to appoint counsel in criminal cases.

Read first time, and referred to the Judiciary Committee.

By Mr. Zuck: Senate Bill No. 429—An Act to amend sections seven hundred and fifty-seven and seven hundred and fifty-eight of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

By Mr. Johnson: Senate Bill No. 430—An Act releasing to Wm. Scholle, and his assigns, certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 431—An Act to establish a State detective force for the better enforcement of the laws.

Read first time, and referred to the Judiciary Committee.

By Mr. Gorman: Senate Bill No. 432—An Act to allow the appointment of an Inspector of Weights, Measures, and Merchandise, in cities and towns of one hundred thousand inhabitants and upwards.

Read first time, and referred to the Committee on Judiciary.

Also: Senate Bill No. 433—An Act relating to fishing in the waters of this State.

Read first time, and referred to the Committee on Fish and Game.

By Mr. Enos (by request): Senate Bill No. 434—An Act to empower consolidated cities and counties of over one hundred thousand inhabitants to pay out of the General Fund demands for rents of Court-rooms and chambers for the Superior Courts, and of police stations, and for salaries of janitors.

Also (by request): Senate Bill No. 435—An Act to empower consolidated cities and counties of over one hundred thousand inhabitants to make alterations to county prisons and county jails for sanitary purposes.

Each of the above bills read first time, and referred to the San Francisco delegation.

By Mr. Langford: Senate Bill No. 436—An Act to ascertain the will of the people of the State of California, touching the propriety of so changing our public school system as to place the education of children more under parental control, to render it less expensive and better adapted to the wants of the rising generation than is practicable under the present system.

Read first time, and referred to the Committee on Education.

By Mr. Traylor: Senate Bill No. 437—An Act to amend sections six hundred and twenty-six and six hundred and thirty-one of the Penal Code of California.

Read first time, and referred to the Committee on Fish and Game.

By Mr. Burt: Senate Bill No. 438—An Act to add a new section to the Civil Code, to be known as section five hundred and eighty, relating to savings and loan corporations.

Read first time, and referred to the Committee on Corporations.

By Mr. Pardee: Senate Bill No. 439—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State.

Read first time, and referred to the Committee on Agriculture.

By Mr. Harlan (by request): Senate Bill No. 440—An Act to repeal an Act entitled "An Act to provide for a drainage district of the County of Yolo," approved March twenty-eighth, eighteen hundred and sixty-eight.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

Also: A petition from citizens of Yolo County, asking for the repeal of an Act to provide for a drainage district for the County of Yolo.

Read, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Kane: Senate Bill No. 441—An Act declaring void and forfeited to the State a certain grant of marsh and tide lands made to the Western Pacific Railroad Company and the Southern Pacific Railroad Company, by the Act approved March thirtieth, eighteen hundred and sixty-eight, entitled "An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California."

Read first time, and referred to the San Francisco delegation.

By Mr. Hittell (by request): Senate Bill No. 442—An Act to provide for the payment of the amount of interest due to Hastings College of the Law.

Read first time, and referred to the Judiciary Committee.

By Mr. Baker (by request): Senate Bill No. 443—An Act to provide for the approval and allowance of the claim of D. B. Woolf, and to appropriate money for its payment.

Read first time, and referred to the Committee on Claims.

By Mr. Cheney: Senate Bill No. 444—An Act to amend section three hundred and seventy of the Code of Civil Procedure, relating to parties to actions.

Read first time, and referred to the Judiciary Committee.

By Mr. Wendell (by request): Senate Bill No. 445—An Act to add a new section to the Political Code, to be known as section three thousand four hundred and ninety-one, relating to individual reclamation of swamp lands in certain cases.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Dickinson: Senate Bill No. 446—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the Port of San Francisco.

Read first time, and referred to the Committee on Commerce and Navigation.

By Mr. Enos: Senate Bill No. 447—An Act to regulate the bonds of Treasurers, Tax Collectors, Sheriffs, or other public officers having the collecting, disbursing, or charge of public moneys in their official capacity in any city and county or incorporated city or town of any incorporated city and county in this State.

Read first time, and referred to the Committee on County and Township Governments.

Also: Senate Bill No. 448—An Act to regulate the bonds of the Treasurer of counties, city and counties, incorporated cities or towns, or of any incorporated city and county of this State.

Read first time, and referred to the Committee on City and Town Governments.

Also: Senate Bill No. 449—An Act to authorize State Boards of Directors, Commissioners, Trustees, or Regents to sue and defend in their official or corporate capacity.

Read first time, and referred to the Judiciary Committee.

Also: Senate Bill No. 450—An Act to regulate transactions in shares of the capital stock of corporations by stock brokers.

Read first time, and referred to the Committee on Corporations.

Also (by request): Senate Bill No. 451—An Act authorizing the Board, or Boards of Supervisors, or houses of legislation, of cities, or cities and counties having a population of more than one hundred thousand inhabitants, to appoint a Collector of Licences, to fix salary and prescribe his duties, and relating to collection of licenses in such cities, or cities and counties.

Read first time, and referred to the San Francisco delegation.

Also: Senate Bill No. 452—An Act to establish Boards of Education, and to define their powers and duties, in cities, or consolidated cities and counties of over one hundred thousand inhabitants, and to provide for the support and maintenance of common schools in such cities, or consolidated cities and counties.

Read first time, and referred to the Committee on Education.

By Mr. Rowell: Senate Bill No. 453—An Act relating to school districts comprised of two or more counties.

Also: Senate Bill No. 454—An Act to provide for a commission to inquire as to the need of a State school for weak-minded children.

Each of the above bills read first time, and referred to the Committee on Education.

By Mr. Moreland: Senate Bill No. 455—An Act to promote the emigration of Chinese from this State.

Read first time, and referred to the Committee on Chinese and Chinese Immigration.

Mr. Johnson, by permission, introduced the following resolution out of order:

Resolved, That the Journal Clerk be and he hereby is authorized and empowered to appoint an assistant, at the pay then allowed by law, to be paid out of the appropriation for the contingent expenses of the Senate.

Mr. Johnson moved that the rules be suspended, and that the resolution be adopted.

Upon which the ayes and noes were demanded by Messrs. Zuck, Burt, and Johnson, and the motion lost by the following vote:

AYES.—Messrs. Brown, Chase, Cheney, Conger, Dickinson, Enos, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Pardee, Ryan, Satterwhite, Traylor, and Watson—17.

NOES.—Messrs. Anderson, Baker, Burt, Carlock, George, Glascock, Gorman, Hill, Moreland, Nye, Rowell, Wendell, West, and Zuck—14.

Resolution referred to the Committee on Contingent Expenses and Mileage.

Mr. Johnson moved that the Committee on Contingent Expenses and Mileage be instructed to report the resolution, as referred, back on Monday morning.

Carried.

Mr. Pardee was granted leave of absence for the rest of the day.

Mr. Enos renewed his motion of yesterday providing for the appointment of a committee of three with certain duties.

Mr. Cheney raised the point of order that it was not a matter of record.

The Chair ruled the point of order well taken.

REPORT OF COMMITTEE ON ENROLLMENT.

By Mr. Burt:

SENATE CHAMBER, March 6th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bill No. 133—entitled an Act to amend an Act entitled an Act to provide for the extermination of squirrels in certain counties, approved March thirtieth, eighteen hundred and seventy-eight—and that the same has been this day placed in the hands of the Governor, at two o'clock and fifteen minutes P. M.

BURT, for the Committee.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

MR. PRESIDENT: Your Committee on Engrossment report that Senate Bill No. 211—An Act to amend section one thousand four hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors—has been correctly engrossed by engraving therein the amendment adopted by the Senate on the passage of the bill, by a concomitant with special instructions.

CHENEY, Chairman.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly, and, on motion of Mr. Johnston, taken up out of order:

ASSEMBLY CHAMBER, SACRAMENTO, March 4th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March third, eighteen hundred and eighty, passed Assembly Bill No. 120—An Act to amend section seven hundred and two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, in relation to redemption of property sold under execution.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 120, above reported, read first time, and referred to the Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 6th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March sixth, eighteen hundred and eighty, passed Senate Bill No. 426—An Act to continue in operation the public schools of this State.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 6th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March fifth, eighteen hundred and eighty, passed Assembly Bill No. 228—An Act to repeal an Act entitled an Act in relation to the office of Court Commissioner of San Joaquin County, approved March twelfth, eighteen hundred and seventy.

Assembly Bill No. 224—An Act to amend sections one thousand two hundred and forty-six, one thousand two hundred and forty-eight, and one thousand two hundred and fifty-two, of the Penal Code, relative to appeals to the Supreme Court.

Assembly Bill No. 64—An Act to amend sections three thousand four hundred and forty and three thousand four hundred and ninety of the Political Code, relative to interest on deferred payments for State land.

Assembly Bill No. 158—An Act making appropriation for deficiency for the thirtieth and thirty-first fiscal years for payment of armory rents, purchase of arms, and other expenses of the National Guard of California.

Assembly Bill No. 55—An Act to amend sections two hundred and thirty-five and two hundred and sixty-six of an Act entitled "An Act to establish a Political Code," approved March

twelfth, eighteen hundred and seventy-two, relating to the meeting of the Legislature, and the compensation of its members.

Assembly Bill No. 144—An Act to amend an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March twenty-eighth, eighteen hundred and seventy-four.

Assembly Bill No. 146—An Act to amend an Act entitled "An Act concerning the selection and sale of University lands," approved March thirteenth, eighteen hundred and seventy-four.

Assembly Bill No. 223—An Act to amend section one thousand one hundred and ninety-one of the Penal Code, relative to judgment and execution.

Assembly Bill No. 97—An Act to prohibit the sale of intoxicating liquors in the State Capitol building.

Assembly Joint Resolution No. 5—Relative to procuring an appropriation for the construction of a breakwater in the Harbor of San Luis Obispo.

Assembly Joint Resolution No. 6—Relative to procuring a Congressional appropriation of one hundred thousand dollars for the purpose of improving Petaluma Creek for the purposes of navigation.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 228, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 224, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 64, above reported, read first time, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 158, above reported, read first time, and referred to the Committee on Military Affairs.

Assembly Bill No. 55, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 144, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 146, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 223, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 97, above reported, read first time, and referred to the Committee on Public Morals.

Assembly Joint Resolution No. 5, above reported, read first time, and referred to the Committee on Commerce and Navigation.

Assembly Joint Resolution No. 6, above reported, read first time, and referred to the Committee on Commerce and Navigation.

ASSEMBLY CHAMBER, SACRAMENTO, March 5th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March second, eighteen hundred and eighty, amended, and, on March fifth, eighteen hundred and eighty, passed, Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions.

Senate Bill No. 141—An Act to amend chapters two and three, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three, to take the place thereof in said Code, relating to appeals in civil actions.

Senate Bill No. 158—An Act to amend sections eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, one thousand and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceeding in Justices' Courts.

Senate Bill No. 175—An Act to amend sections one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-

one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight, of the Code of Civil Procedure, relating to guardians and wards.

Also, that, on March fifth, eighteen hundred and eighty, the Assembly passed Senate Bill No. 116—An Act to amend sections six hundred and thirteen, six hundred and seventeen, and six hundred and eighteen, of the Code of Civil Procedure, relating to trials by jury in civil actions.

Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three, of the Code of Civil Procedure, relating to pleadings in civil actions.

Senate Bill No. 115—An Act to amend section five hundred and ninety-three of the Code of Civil Procedure, relating to entry of civil causes on Court calendars.

Senate Bill No. 140—An Act to amend sections nine hundred and forty-three, nine hundred and forty-eight, and nine hundred and fifty-nine, of the Code of Civil Procedure, relating to appeals in civil actions.

Senate Bill No. 147—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure, relating to the time within which certain acts are to be done.

Senate Bill No. 124—An Act to amend sections seven hundred and fourteen and seven hundred and fifteen of the Code of Civil Procedure, relating to proceedings supplementary to execution.

Senate Bill No. 125—An Act to amend sections seven hundred and forty-two, seven hundred and fifty-five, seven hundred and ninety-four, eight hundred and two, eight hundred and four, eight hundred and sixteen, and eight hundred and twenty-six, of the Code of Civil Procedure, relating to actions in particular cases.

Senate Bill No. 114—An Act to amend sections four hundred and eighty, four hundred and ninety-three, five hundred and twenty-five, five hundred and forty-eight, five hundred and fifty-four, five hundred and fifty-six, and five hundred and sixty-five, of the Code of Civil Procedure, relating to provisional remedies in civil actions.

Senate Bill No. 146—An Act to amend sections one thousand and four and one thousand and five of the Code of Civil Procedure, relating to motions and orders in civil actions.

Senate Bill No. 159—An Act to amend sections one thousand one hundred and sixty-three, one thousand one hundred and sixty-six, one thousand one hundred and sixty-seven, one thousand one hundred and sixty-eight, one thousand one hundred and seventy-one, one thousand one hundred and seventy-six, and one thousand one hundred and seventy-nine, of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property in civil cases.

Senate Bill No. 236—An Act concerning the Board of State Harbor Commissioners.

J. M. WRIGHT, Assistant Clerk.

Senate Bills Nos. 112, 141, 158, 175, 116, 113, 115, 140, 147, 124, 125, 114, 146, 159, and 236, above reported, on motion of Mr. Johnson, were ordered referred to the Judiciary Committee, with special instructions.

SECOND READING.

Senate Concurrent Resolution No. 24—Relative to proposed amendments to the Constitution allowing women to vote.

Passed on the file temporarily.

Senate Bill No. 268—An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts or consolidating districts.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 189—An Act to relieve the county officers of the various counties of this State from services as such for corporations without compensation.

Indefinitely postponed.

Senate Bill No. 313—An Act to provide for the management and control of the State Agricultural Society by the State.

Mr. Nye moved to indefinitely postpone the same.

Upon which the ayes and noes were demanded by Messrs. Moreland, Kane, and Johnston, with the following result:

AYES—Messrs. Kane, Moreland, and Nye—3.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, and Zuck—26.

Lost.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendment adopted in Senate, and bill ordered engrossed.

Senate Bill No. 58—An Act to restrict and limit titles to real estate.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill ordered engrossed.

ADJOURNMENT.

At four o'clock and thirty-seven minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, March 8th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

REPORT OF COMMITTEE ON ENROLLMENT.

By Mr. Burt:

SENATE CHAMBER, March 8th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bill No. 426 entitled an Act to continue in operation the public schools of this State—and that the same was placed in the hands of the Governor, on the sixth instant, at five o'clock and fifty minutes P. M.

BURT, for the Committee.

The following communication was received by President Mansfield:

SAN FRANCISCO, March 6, 1880.

Honorable J. Mansfield, Lieutenant-Governor State of California:

DEAR SIR: By having the inclosed petition read before the Senate, when in session, you will greatly oblige the petitioners.

W. AND I. STEINHART & CO. Per A. F.

SAN FRANCISCO, March 5th, 1880.

To the Honorable Senate of California:

GENTLEMEN: We most urgently protest against the passage of any bill that would reduce the number of fire insurance companies now permitted to transact business in this State. We can ill afford to lose any part of the indemnity now at our command, and we feel that the rates charged us at present are high enough. Competition in insurance should be as free as in banking or mercantile pursuits. Respectfully,

D. N. AND E. WALTER AND COMPANY,
REDINGTON & COMPANY,
H. M. NEWHALL & COMPANY,
F. F. LOW,
DUTTON & WITHERTON,
JAMES R. KELLY & COMPANY,
ALLYNES & WHITE,
WYATT, HASKIN & COMPANY,
CONTINENTAL OIL AND TRANSPORTA-
TION COMPANY,
J. TREJOS & COMPANY,
STANDARD OIL COMPANY,
J. D. NICHOL & COMPANY,
HOLBROOK, MERRILL & STETSON,
H. WILHELM & COMPANY,
GEORGE H. TAY & COMPANY,
J. M. NEVILLE,
JOHN TAYLOR & COMPANY,
A. HALLIDIE,
H. P. GREGORY & COMPANY,
G. M. JOSSELYN & COMPANY,
C. JOSSELYN,
E. F. BENT & COMPANY,
E. H. KITTREDGE & COMPANY,
MOORE, HUNT & COMPANY,
WELLMAN, PECK & COMPANY,
HAAS BROTHERS,
FOLGER, SCHILLING & COMPANY,
R. A. SWAIN & COMPANY,
EGGERS & COMPANY,

MOSS, REYNOLDS & COMPANY,
W. AND I. STEINHART & COMPANY,
L. AND M. SACHS & COMPANY,
LAZARD FRÈRES,
HORACE DAVIS & COMPANY,
NEWTON BROTHERS & COMPANY,
LANGLEY & MICHAELS,
J. B. HUBBARD SONS & COMPANY,
SCHULTZ & VON BARGEN,
SHAENWALD BROTHERS,
OBERFELDER BROTHERS & COMPANY,
CRANE, HASTINGS & COMPANY,
JAS. WHITNEY,
DEMPSTER & KEYS,
MILLER & COMPANY,
F. AND P. J. CASSIN,
ALBERT DIBBLEE,
CALIFORNIA PAPER COMPANY, BY ITS
SECRETARY, EUGENE F. COOPER,
SIMPSON BROTHERS & COMPANY,
SPERRY & COMPANY,
ALBERT MILLER,
CROSS & COMPANY,
S. FOSTER & COMPANY,
THOS. H. SELBY & COMPANY,
CAROLAN, CORY & COMPANY,
HANLEY & SIMS,
J. C. MERRILL & COMPANY, PER HER-
BERT FOLGER,
RODGERS, MEYER & COMPANY.

PETITIONS.

By Mr. George—A petition from citizens of Nevada County, requesting the passage of a law exempting the members of the Volunteer Fire Department from paying road or poll tax.

Read and referred to the Judiciary Committee.

Also:

To the Honorable the Senate and Assembly of the State of California, now assembled:

Your petitioners, business men of the Town of Grass Valley, Nevada County, respectfully petition your honorable body to amend section three thousand three hundred and eighty-four of the Political Code, so that the portion, "except the productions and manufactures of the State," be stricken out, and by inserting, "including the manufactured or agricultural productions of this State," and adding thereto, "*provided*, the producer of all agricultural products and the manufacturer of all goods, wares, or other merchandise of this State, shall be exempt from the foregoing provisions."

And your petitioners, as in duty bound, will ever pray.

THOMAS OTHET,
ROBT. HINNIE,
WATT & COMPANY,
JOHN POLGLASE,
H. SILVESTER,
HENRY SCUDDER,
F. E. NORMANDY,
E. R. WEST,

W. B. VAN ORDEN,
W. T. SHURTLEFF & COMPANY,
P. MORATEUR,
JAMES F. JUDD,
WILLIAM CAMPBELL,
JOHN JOHNSTON,
HENRY CHAMPION.

Referred to the Committee on Agriculture.

By Mr. Watson—Also a petition from citizens of Nevada County, requesting the passage of a law exempting the members of the Volunteer Fire Department from paying road and poll tax.

Read and referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, March 8th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was recommended, with special instructions, Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners—report the same back to the Senate.

SEARS, Chairman.

By Mr. Zuck:

Resolved, That the Journal Clerk be and he is hereby authorized and empowered to appoint an assistant, at the per diem allowed by law, to be paid out of the appropriation for contingent expenses of the Senate.

Referred to Committee on Contingent Expenses and Mileage. Passage recommended.

March 8th, 1880.

ZUCK, Chairman.

Resolution adopted as reported.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 4th, 1880. }

To the Senate of the State of California:

I have the honor to transmit to your honorable body Part Three of the Report of the State Engineer. I respectfully request that the Assembly may be informed of its receipt.

GEO. C. PERKINS, Governor.

REPORT OF STATE ENGINEER.

STATE OF CALIFORNIA, OFFICE OF THE STATE ENGINEER, }
SACRAMENTO, March 4th, 1880. }

Hon. J. Mansfield, President of the Senate:

SIR: I herewith submit parts three and five, thus closing my official report to the Legislature. Part three is a report on the debris investigation, and is supplementary to part two—a report on drainage and improvement of rivers—already submitted. Part five is a report on the present condition of the inquiry with which I am charged, together with some recommendations for the future conduct of this work. A small portion of part three is already in type, but the remainder of it, and also part five, are yet to be printed. I respectfully request that the Assembly be informed of the receipt of these papers.

Very respectfully,

WM. HAM. HALL, State Engineer.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 5th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March first and second, eighteen hundred and eighty, agreed, and on March sixth, eighteen hundred and eighty, passed Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one, to take the place thereof in said Code, relating to Courts of justice, and the various officers connected therewith.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 118, above reported, referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Chase: Senate Bill No. 456—An Act to repeal an Act entitled "An Act to amend an Act to incorporate the City of Santa Barbara," approved March thirtieth, eighteen hundred and seventy-eight.

Read first time, and referred to the Committee on City and Town Governments.

By Mr. George (by request): Senate Bill No. 457—An Act to amend section three thousand three hundred and eighty-four of the Political Code.

Read first time, and referred to the Judiciary Committee.

Mr. Traylor introduced the following, by request: Senate Bill No. 458—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirtieth fiscal year.

Also: Senate Bill No. 459—An Act to provide for the deficiency in the appropriation for traveling expenses of the State Board of Education during the thirtieth fiscal year.

Also: Senate Bill No. 460—An Act to provide for the deficiency in the appropriation for the contingent expenses of the Supreme Court during the thirtieth fiscal year.

Also: Senate Bill No. 461—An Act to provide for the deficiency in the appropriation for arresting criminals without the limits of the State during the thirtieth fiscal year.

Also: Senate Bill No. 462—An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirtieth fiscal year.

Also: Senate Bill No. 463—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Normal School for the twenty-ninth and thirtieth fiscal years.

Also: Senate Bill No. 464—An Act to appropriate money for the payment of the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers for the twenty-ninth fiscal year.

Also: Senate Bill No. 465—An Act to appropriate money for the payment of the deficiency in the appropriation for the transportation of prisoners for the twenty-ninth fiscal year.

Also: Senate Bill No. 466—An Act to appropriate money for the payment of the deficiency in the appropriation for stationery, fuel, and lights for the twenty-ninth fiscal year.

Also: Senate Bill No. 467—An Act to pay the claim of John Voorhies.

Also: Senate Bill No. 468—An Act to pay the claim of L. L. Lewis.

Also: Senate Bill No. 469—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirtieth fiscal year.

Each of the above bills read first time, and referred to the Committee on Claims.

By Mr. Nye: Senate Bill No. 470—An Act to amend section one thousand two hundred and six of the Code of Civil Procedure of the State of California, concerning liens for salaries and wages.

Also: Senate Bill No. 471—An Act to amend sections eight hun-

dred and forty-nine, eight hundred and sixty-eight, nine hundred and two, and nine hundred and twenty-three of the Code of Civil Procedure, concerning proceedings in Justices' Courts.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Johnston: Senate Bill No. 472—An Act to amend section three thousand four hundred and forty-six of the Political Code.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

GENERAL FILE.

Senate Concurrent Resolution No. 24—Relative to proposed amendment to the Constitution allowing women to vote.

Read second time.

Mr. Satterwhite moved to indefinitely postpone the resolution.

Upon which the ayes and noes were demanded by Messrs. Enos, Chase, and Johnson, with the following result:

AYES—Messrs. Brown, Carlock, Dickinson, Kane, Langford, Merchand, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—14.

NOES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Nye, and Wendell—18.

Senate refused to indefinitely postpone the bill.

Upon the question of engrossment the ayes and noes were demanded by Messrs. Sears, Enos, and Traylor, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Nye, and Wendell—18.

NOES—Messrs. Brown, Carlock, Dickinson, Kane, Langford, Merchand, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—14.

Bill ordered engrossed.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 9th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court, and to make an appropriation for their salaries.

CHENEY, Chairman.

Also:

SENATE CHAMBER, March 9th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 174—An Act to amend sections one thousand two hundred and ninety-five, one thousand two hundred and ninety-eight, one thousand three hundred and three, one thousand three hundred and five, one thousand three hundred and thirteen, one thousand three hundred and seventeen, one thousand three hundred and twenty-two, one thousand three hundred and thirty-eight, one thousand three hundred and forty, one thousand three hundred and forty-five, one thousand three hundred and sixty, one thousand three hundred and sixty-one, one thousand three hundred and sixty-two, one thousand three hundred and seventy-two, one thousand three hundred and seventy-three, one thousand three hundred and eighty-three, one thousand three hundred and eighty-eight, one thousand three hundred and eighty-nine, one thousand three hundred and ninety-one, one thousand three hundred and ninety-three, one thousand three hundred and ninety-four, one thousand three hundred and ninety-seven, one thousand three hundred and ninety-eight, one thousand four hundred and two, one thousand four hundred and three, one thousand four hundred and six, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and twenty-six, one thousand

sand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-one, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and sixteen, one thousand six hundred and seventeen, one thousand six hundred and nineteen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and twenty-four, one thousand six hundred and sixty-two, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand six hundred and ninety-six, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and fifteen, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-four, and to repeat sections one thousand six hundred and fifty-two, one thousand six hundred and sixty-nine, one thousand six hundred and seventy, one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, one thousand seven hundred and forty-six, one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, one thousand seven hundred and fifty-two, one thousand seven hundred and fifty-three, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and seventy-seven, one thousand seven hundred and ninety-three, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight, one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, and one thousand eight

hundred and seventy-two, of the Political Code, and to add five new sections thereto, to be known as sections one thousand five hundred and sixty-five, one thousand five hundred and eighty-three, one thousand seven hundred and three, one thousand seven hundred and four, and one thousand eight hundred and seventy-nine.

During the consideration of the same, Mr. Johnson, by leave, moved to amend Rule Forty-four of the Standing Rules of the Senate by striking out the rule, and inserting in lieu thereof as follows:

41.

EXECUTIVE NOMINATIONS.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall, unless the Senate by a majority vote direct otherwise, lay over one day before being acted upon.

Referred to the Committee on Rules.

Mr. Enos, by leave, introduced the following resolution:

Resolved, That three hundred and sixty copies of Senate Concurrent Resolution No. 24 be printed.

Lost.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.
SACRAMENTO, March 8th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 133—An Act to repeal an Act entitled "An Act to provide for the extermination of squirrels in certain counties," approved March thirtieth, eighteen hundred and seventy-eight.

Also, Senate Bill No. 426—An Act to continue in operation the public schools of this State.

GEO. C. PERKINS, Governor.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kune, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

On motion of Mr. Sears, the special order for one o'clock and thirty minutes P. M. was continued until after the consideration of Senate Bill No. 399.

On motion of Mr. Johnson, a call of the Senate was had, with the following result:

Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck.

The absentees, Senators Lampson, Brown, Dickinson, Kane, and Nye, were brought before the bar of the Senate, and upon giving satisfactory excuses, further proceedings under the call, on motion of Mr. Johnson, were dispensed with.

Consideration of Senate Bill No. 399 continued.

Mr. Davis moved to continue the further consideration of Senate Bill No. 399, and that it be made a special order for next Thursday, at one o'clock and thirty minutes P. M.

Lost.

Mr. Dickinson moved that the further consideration of Senate Bill No. 399 be continued and made the special order for to-morrow morning at ten o'clock and thirty minutes A. M., and that Senate Bill No. 188 follow immediately thereafter.

Carried.

By leave, Mr. Ryan introduced a petition from citizens of Humboldt County, requesting the passage of a local option law.

Read and referred to the Committee on Public Morals.

ADJOURNMENT.

At five o'clock and twenty-eight minutes P. M., on motion of Mr. Wendell, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Tuesday, March 9th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hall, Husted, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Sears moved that the Journal of Friday be corrected, so as to show that he appealed from the decision of the Chair, on the grounds that the amendment which had been rejected was offered to another subdivision of the section relating to another subject; that after it was rejected, he had offered it in the place, and to the subject to which it was now offered, and it was entertained by the Senate; that before any vote was taken by the Senate he had withdrawn it, stating that he would re-offer it at some other time; that time had now arrived, and he, therefore, had re-offered it, believing it to be in order.

Upon which the ayes and noes were demanded by Messrs. Sears, Moreland, and Burt, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Davis, Dickinson, George, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Traylor, and Watson—24.

NOES—Messrs. Chase, Conger, Enos, Glascock, Gorman, Hill, Kane, Moreland, Nelson, Satterwhite, Wendell, West, and Zuck—13.

Carried.

Mr. Johnson moved that the Journal of Saturday be corrected so as to show that he moved to amend the Journal of Saturday, March sixth, eighteen hundred and eighty, by inserting at the bottom of the first page, after the word "order," in the second line from the bottom, the words, "on the ground that the Senate had amended the bill while it was upon a second reading, and that the Senate could not act upon the bill for a third reading until the bill, with all its amendments, had been printed and placed before the Senate;" and insert after the word "Chair," in the bottom line, the words, "although he thought the decision correct, and should vote to sustain the President, but deemed it wise that the Senate should now set a precedent in this matter of acting upon Assembly bills after being amended by the Senate."

Upon which the ayes and noes were demanded by Messrs. Johnson, Gorman, and Watson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—32.

NOES—Messrs. Enos, Gorman, Kane, Moreland, and Nelson—5.

Carried.

The following communication and petition were received by President Mansfield:

SAN FRANCISCO, March 8th, 1880.

To Lieutenant-Governor Mansfield:

Please have petition, which I telegraph this morning, read after Senate Bill No. 188 comes up for final passage.

H. R. MANN.

SAN FRANCISCO, March 8th, 1880.

To the Honorable Senate of California:

We the undersigned, merchants of San Francisco, ask your honorable body and pray that bill No. 188, regulating fire and marine insurance, be so modified that all companies now doing business here be allowed to remain. We are of the opinion that there is no more companies here now than are absolutely required for the safety of the people.

WM. T. COLEMAN & COMPANY,
DUNHAM, CARRIGAN & COMPANY,
I. S. VAN WINKLE & COMPANY,
N. T. ROMAINE,
MURPHY, GRANT & COMPANY,
R. D. HUME & COMPANY,
G. W. HUME,
C. T. RAYNOLDS & COMPANY,
FAIRBANKS & HUTCHINSON,
HORACE DAVIS & COMPANY,
NATIONAL IRON WORKS,
MORRISON, HUTCHINSON & COMPANY,

L. AND M. SACHS & COMPANY,
LEVI STRAUSS & COMPANY,
BANNER BROTHERS,
W. & I. SLOANE,
GOODYEAR RUBBER COMPANY, R. H.
PEAS, JR., SECRETARY,
A. L. BANCROFT & COMPANY,
TOBIN, DAVISSON & COMPANY,
W. W. MONTAGUE & COMPANY,
B. C. AUSTIN,
HOLBROOK, MERRILL & STETSON.

PETITIONS.

By Mr. Chase—A petition from F. F. Low and fifty-eight others, protesting against the passage of Senate Bill No. 188, relating to insurance companies.

Referred to the Committee on Corporations.

By Mr. Davis—A petition from five hundred citizens of Yuba County, protesting against the passage of any Act that will tax deposits in savings banks.

Referred to the Committee on Finance.

By Mr. Chase—Two petitions from four hundred and forty-nine citizens of Santa Barbara County, asking that Senator Chase's bill on mortgages be taken from the table and passed.

Ordered filed.

The hour having arrived for the consideration of the special order, the same, on motion of Mr. Johnson, was ordered continued until after the reports of standing committees.

By Mr. Pardee—A petition from Steinhart & Company, and others, protesting against the passage of any Act which will tend to reduce the number of insurance companies now in this State.

Referred to the Committee on Corporations.

By Mr. Langford—A petition from fifty-six residents of Stockton, protesting against the passage of an Act taxing savings bank deposits.

Referred to the Committee on Corporations.

By Mr. Glascock—A petition from citizens of Colusa County, protesting against the passage of Senate Bill No. 188.

Referred to the Committee on Corporations.

By Mr. West—A petition from citizens of Los Angeles County, asking the repeal of certain laws, etc.

Referred to the Committee on County and Township Governments.

By Mr. Pool—A petition from fifty-nine residents of the State, protesting against the passage of Senate Bill No. 188, or any bill that would, in effect, reduce the number of fire insurance companies now permitted to do business in this State.

Referred to the Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, March 9th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 341—An Act for the relief of Joseph Solomon—have had the same under consideration, and report back, and recommend that it be indefinitely postponed.

TRAYLOR, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 9th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 13—An Act for the relief of John Hoagland.

Also, Senate Bill No. 14—An Act for the relief of James Reid.

Also, Senate Bill No. 15—An Act for the relief of Wm. B. Todhunter.

Also, Senate Bill No. 16—An Act for the relief of Mrs. Mary W. G. Van Arsdall.

Also, Senate Bill No. 17—An Act for the relief of George Cooper.

Also, Senate Bill No. 18—An Act for the relief of Mrs. Rebecca C. Hoagland.

Also, Senate Bill No. 64—An Act for the relief of Henry Lienberger.

Also, Senate Bill No. 65—An Act for the relief of Green & Trainer.

Have had the same under consideration, and report them back without recommendation.

TRAYLOR, Chairman.

By Mr. Burt:

SENATE CHAMBER, March 9th, 1880.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 97—entitled an Act to prohibit the sale of intoxicating liquors in the State Capitol building—have considered the same, and report it back, recommending its passage.

BURT, Chairman.

By Mr. Johnston:

SENATE CHAMBER, March 9th, 1880.

MR. PRESIDENT: The Committee on Swamp Land, to whom was referred Senate Bill No. 328, have had the same under consideration, and report the same back to the Senate with a substitute therefor, and recommend the passage of the substitute.

JOHNSTON, Chairman.

Substitute, above reported, read first time, and referred to the Committee on Swamp and Overflowed Lands.

Also:

SENATE CHAMBER, SACRAMENTO, March 9th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 368, have had the same under consideration, and report the same back to the Senate, and a majority of said committee recommend its passage.

JOHNSTON, for the majority.

Mr. Hittell (by leave) introduced Senate Bill No. 474—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, relating to administrators.

Read first time, and referred to the Judiciary Committee.

Mr. Lampson (by leave) introduced Senate Bill No. 475—An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove.

Read first time, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Johnson moved that Assembly Bill No. 404—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five—be taken up out of order and considered.

Carried.

Mr. Sears moved to recommit the bill to the Chairman of the Finance Committee, with special instructions to insert the following amendment to section five, line six, printed bill, after the word "March," "except money deposited in savings and loan corporations organized under the laws of this State."

Mr. Ryan moved to amend the amendment by adding thereto the words "and otherwise assessed."

Mr. Sears accepted the amendment.

Upon which the ayes and noes were demanded by Messrs. Enos, Ryan, and Sears.

The roll was called, but owing to confusion in the Senate a recall was ordered, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Ryan, Sears, Traylor, and Watson—19.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Satterwhite, Wendell, West, and Zuck—20.

Lost.

Mr. Baker moved to recommit the bill to the Chairman of the Finance Committee, with instructions to strike out section eight, as amended, and insert in lieu thereof the following:

3640. Corporations, associations, and joint-stock companies, having their principal place of business in this State, shall be assessed with the full cash value of their capital stock, after deducting therefrom the value of all property assessed to them in this State or elsewhere, of which such capital stock is the representative, and such capital stock shall not be assessed to the individual owners thereof. The owners or holders of capital stock in corporations, associations, and joint-stock companies whose principal place of business is not within this State, must be individually assessed for such stock, and the assessable value of each share of such stock shall be ascertained by taking from the full cash value of the entire capital stock the value of all property assessed to such corporation, association, or joint-stock company in this State or elsewhere, and dividing the remainder by the entire number of shares into which its capital stock is divided; *provided*, that in order to obtain such reduction the owner of such stock must produce to the Assessor a certificate of the amount of the property of the corporation, association, or joint-stock company.

Upon which the ayes and noes were demanded by Messrs. Baker, Burt, and Brown, with the following result:

AYES—Messrs. Baker, Brown, Hittell, Hudson, Johnston, Lampson, Neumann, Nye, and Pardee—9.

NOES—Messrs. Anderson, Burt, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—29.

Lost.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson moved that the special order for one o'clock and thirty minutes p. m. be postponed until after the consideration of, and that the Senate do now take up, Assembly Bill No. 404.

Carried.

Consideration of Assembly Bill No. 404 continued.

Bill read third time.

On motion of Mr. Moreland a call of the House was had, with the following result:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The question now recurred upon the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Burt, Chase, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—25.

NOES—Messrs. Baker, Brown, Carlock, Cheney, Dickinson, George, Hittell, Hudson, Johnston, Neumann, Nye, Pardee, Traylor, and Watson—14.

The title was then read, and the same approved as read.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate passed Assembly Bill No. 404.

Mr. Davis moved that Senate Bill No. 399 be made the special order for Thursday, at ten o'clock and thirty minutes A. M.

Carried.

SPECIAL ORDER.

Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

The question recurred upon the motion of Mr. Satterwhite to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Satterwhite, Johnson, and Zuck, with the following result:

AYES—Messrs. Brown, Hill, Johnson, Kelly, Satterwhite, and Zuck—6.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnston, Kane, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and West—31.

Lost.

During the reading of the bill the Secretary was instructed to insert the word "and" in place of the word "on," in section forty-nine, line thirty-eight, of printed bill. Also insert the word "which," in line three, section fifty, of printed bill, before the word "pleading." The Secretary was also instructed, by unanimous consent of the Senate, to correct a clerical error in section sixty; also to correct a clerical error in section sixty-seven, subdivision two, by striking out all in subdivision two after the word "part."

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, Wendell, and West—29.

NOES—Messrs. Brown, Gorman, Kane, Kelly, Ryan, Satterwhite, and Zuck—7.

The title was then read, and the same approved as read.

Senate Bill No. 188.

Mr. Wendell moved to recommit the bill to the Chairman of the Committee on Corporations, with special instructions to strike out the words "four hundred thousand," and insert "three hundred thousand," wherever they occur.

Mr. Ryan moved, as an amendment, by inserting "two hundred thousand" where the words "four hundred thousand" occur.

Upon which the ayes and noes were demanded by Messrs. Johnson, Zuck, and Ryan, with the following result:

AYES—Messrs. Burt, Conger, Enos, Glascock, Gorman, Hittell, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, and Watson—18.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Davis, Dickinson, Harlan, Hill, Hudson, Johnson, Johnston, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—19.

Amendment lost.

The question now recurred upon the motion to amend as made by Mr. Wendell.

Upon which the ayes and noes were demanded by Messrs. Johnson, Wendell, and Conger, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Langford, Moreland, Nye, Rowell, Sears, Traylor, Wendell, and West—21.

NOES—Messrs. Baker, Burt, Conger, Enos, Gorman, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, and Zuck—16.

Amendment adopted.

Mr. Sears asked that the following be also incorporated as an amendment to the bill: Add to section eleven the following: "*Provided*, that no marine or inland insurance companies organized under the laws of any State or country foreign to the United States, shall write on any one risk a sum exceeding ten per cent. of its paid up capital without likewise reinsuring the excess above ten per cent."

Amendment adopted.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, March 9th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and find correctly enrolled, Senate Bills Nos. 113, 114, 115, 124, 140, 147, and 159, and that the same have this day been placed in the hands of the Governor, at the hour of two o'clock and thirty minutes P. M.

HUDSON, Chairman.

Mr. Sears, from the Committee on Corporations, verbally reported back Senate Bill No. 188, and recommended its passage as amended.

Mr. Johnson moved that Senate Bill No. 188 be made the special order for one o'clock and thirty minutes P. M. to-morrow.

Carried.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, March 10th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Hittell moved to correct the Journal of Saturday, March sixth, eighteen hundred and eighty, page ten of printed Journal, so as to show that only Senate Bills Nos. 112, 141, 158, and 175, were referred to the Judiciary Committee.

Correction ordered.

REPORTS OF STANDING COMMITTEES.

By Mr. Davis:

SENATE CHAMBER, March 10th, 1880.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 68—An Act to establish and maintain technical schools in the State of California—have had the same under consideration, and report it back, with the recommendation that it be indefinitely postponed.

Also, Senate Bill No. 128—An Act relating to Boards of Education—and report it back, with the recommendation that the same be indefinitely postponed.

Also, Senate Bill No. 320—An Act to provide for the compensation of Principals, Vice-Principals, and teachers of common schools in the City and County of San Francisco—and report it back, with the recommendation that the same be indefinitely postponed.

Also, Senate Bill No. 406—An Act to provide for the payment of certain funds heretofore granted to the University of California, and for the investment thereof—and ask that it be referred to the Judiciary Committee.

DAVIS, Chairman.

Mr. Davis moved that Senate Bill No. 406, and the report as referred to the Committee on Education, accompanying said Senate Bill No. 406, be referred to the Judiciary Committee.

Carried.

By Mr. Hittell:

SENATE CHAMBER, March 9th, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Senate Bill No. 286—An Act to confer power upon Boards of Supervisors of cities containing more than one hundred thousand inhabitants, to extend and complete all main intercepting sewers heretofore partially constructed—beg leave to report that they have had the same under consideration, and report the same back with amendments, and recommend the passage of the bill as amended.

HITTELL, Chairman.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, March 10th, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 305, have had the same under consideration, and report the same back to the Senate without recommendation.

JOHNSTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 10th, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 352, have had the same under consideration, and report the same back to the Senate, and recommend that it do not pass.

JOHNSTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 10th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 323, have had the same under consideration, and report the same back to the Senate without recommendation.

JOHNSTON, Chairman.

By Mr. Sears:

MR. PRESIDENT: I move to amend Rule Forty-four of the Standing Rules of the Senate, by striking out the rule and inserting in lieu thereof as follows:

44.

Executive Nominations.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall, unless the Senate by a majority vote direct otherwise, lay over one day before being acted upon.

GROVE L. JOHNSON.

Committee on Rules report the above amendment to Rule Forty-four back, and recommend its adoption.

SEARS, Chairman.

Resolution, as above reported, adopted on motion of Mr. Johnson.
By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 10th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 293—An Act entitled an Act to authorize D. M. Kenfield to sue the State of California—have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice, and various officers connected therewith—and report the same back, and recommend that the Senate concur in Assembly amendments numbers two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, forty, forty-three, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-three, and do not concur in amendments numbers one, five, fourteen, fifteen, sixteen, twenty-three, twenty-four, twenty-seven, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two, forty-four, forty-five, fifty-two, and fifty-four.

Also, Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions—have had the same under consideration, and report the same back, and recommend that the Senate do not concur with the Assembly amendments thereto.

Also, Senate Bill No. 158—An Act to amend sections eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceeding in Justices' Courts—and report the same back, and recommend that the Senate do not concur in the Assembly amendments thereto.

Also, Senate Bill No. 175—An Act to amend sections one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-eight, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and

ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight, of the Code of Civil Procedure, relating to guardians and wards—and report the same back, and recommend that the Senate concur in the Assembly amendments, except amendment number twenty-nine, and that the Senate do not concur in said amendment.

Also, Senate Bill No. 141—An Act to amend chapters two and three, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three to take the place thereof in said Code, relating to appeals in civil actions—and recommend that the Senate do not concur in the Assembly amendments thereto.

NYE, Chairman.

By Mr. Wendell:

MR. PRESIDENT: The Committee on County and Town Governments respectfully report that they have had under consideration Senate Bill No. 375—An Act to provide for the payment of certain claims against the City of Eureka—and report the same back, and recommend that it be referred to the Committee on City and Town Governments.

Also, Assembly Bill No. 165—An Act to repeal an Act entitled an Act to change the orthography of the name of a town in Shasta County—and recommend the passage of the same.

WENDELL, Chairman.

Mr. Dickinson moved that Senate Bill No. 131 be reingrossed so as to correct certain clerical errors.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, March 9th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 113—An Act to amend sections four hundred and thirty-two, four hundred and fifty-four, and four hundred and seventy-three, of the Code of Civil Procedure, relating to pleadings in civil actions.

Also, Senate Bill No. 114—An Act to amend sections four hundred and eighty, four hundred and ninety-three, five hundred and twenty-five, five hundred and forty-eight, five hundred and fifty-four, five hundred and fifty-six, and five hundred and sixty-five, of the Code of Civil Procedure, relating to provisional remedies in civil actions.

Also, Senate Bill No. 115—An Act to amend section five hundred and ninety-three of the Code of Civil Procedure, relating to entry of civil causes on Court calendars.

Also, Senate Bill No. 124—An Act to amend sections seven hundred and fourteen and seven hundred and fifteen of the Code of Civil Procedure, relating to proceedings supplementary to execution.

Also, Senate Bill No. 140—An Act to amend sections nine hundred and forty-three, nine hundred and forty-eight, and nine hundred and fifty-nine of the Code of Civil Procedure, relating to appeals in civil actions.

Also, Senate Bill No. 147—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure, relating to the time within which certain acts are to be done.

Also, Senate Bill No. 159—An Act to amend sections one thousand one hundred and sixty-three, one thousand one hundred and sixty-six, one thousand one hundred and sixty-seven, one thousand one hundred and sixty-eight, one thousand one hundred and seventy-one, one thousand one hundred and seventy-six, and one thousand one hundred and seventy-nine of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property in certain cases.

GEO. C. PERKINS, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 9th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March ninth, eighteen hundred and eighty, passed Senate Bill No. 31—An Act to amend sections one

thousand three hundred and thirty-eight and one thousand three hundred and fifty-three of the Penal Code, providing for the examination of witnesses.

Senate Bill No. 35—An Act to amend section one thousand and twenty-nine of the Penal Code, relating to prosecutions of Judges of the Superior Courts.

Senate Bill No. 36—An Act to repeal sections one thousand and twenty-eight, one thousand and thirty, one thousand one hundred and twelve, and one thousand one hundred and forty-three, of the Penal Code, relating to judicial proceedings in criminal cases.

Senate Bill No. 37—An Act to amend section eight hundred and eight of the Penal Code, declaring who are Magistrates.

Senate Bill No. 57—An Act in relation to the currency of the United States.

Also, that the Assembly, on February eighteenth, eighteen hundred and eighty, amended, and on March ninth, eighteen hundred and eighty, passed Senate Bill No. 34—An Act to amend sections eight hundred and seventy-two and eight hundred and seventy-five, and to repeal section eight hundred and seventy-four of the Penal Code, relating to commitments of persons charged with crime.

Senate Bill No. 109—An Act to amend sections three hundred and sixty-seven, three hundred and seventy-two, and three hundred and seventy-three, of the Code of Civil Procedure, relating to parties to civil actions.

J. M. WRIGHT, Assistant Clerk.

Senate Bills Nos. 34 and 109, above reported, on motion of Mr. Nye, were referred to the Judiciary Committee, with instructions to examine and report as to the amendments made by the Assembly.

Mr. Johnson moved that the Senate take up Senate Bill No. 118, as reported by the Judiciary Committee, for the purpose of considering the amendments as reported by the Assembly, and that the special order for this hour be temporarily passed.

Carried.

Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice, and various officers connected therewith.

Amendments to sections forty-seven and fifty-three not concurred in.

Amendments to sections sixty-seven and seventy-two concurred in.

Amendments to section seventy-three not concurred in.

Amendments to sections seventy-six and eighty-six concurred in.

Amendments to sections eighty-seven and eighty-eight not concurred in.

Amendments to sections ninety-one and ninety-two concurred in.

Amendment to section ninety-five not concurred in.

Upon the question of concurrence to the amendment to section ninety-seven, the ayes and noes were demanded by Messrs. Johnson, Hittell, and Wendell, with the following result:

AYES—Messrs. Burt, Brown, Chase, Gorman, Harlan, Hill, Kane, Lampson, Moreland, Nelson, Nye, Rowell, Satterwhite, Sears, Wendell, West, and Zuck—17.

NOES—Messrs. Anderson, Baker, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Neumann, Pardee, Pool, Ryan, Traylor, and Watson—22.

The Senate refused to concur.

Amendments to section one hundred and three not concurred in.

Amendment to sections one hundred and four, one hundred and twelve, one hundred and thirteen, one hundred and fifteen, one hundred and forty-nine, and one hundred and fifty-one, concurred in.

Upon the question of concurrence to the amendment to section one hundred and fifty-eight, the ayes and noes were demanded by Messrs. Johnson, Carlock, and Brown, with the following result:

AYES—Messrs. Carlock, Chase, Conger, Enos, Gorman, Hill, Johnston, Kane, Kelly, Langford, Nelson, Nye, Pool, Rowell, Ryan, and West—16.

NOES—Messrs. Anderson, Baker, Brown, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Johnson, Lampson, Moreland, Neumann, Pardee, Satterwhite, Sears, Traylor, Watson, Wendell, and Zuck—22.

The Senate refused to concur.

Amendments to sections one hundred and sixty, one hundred and seventy-one, and one hundred and eighty-two not concurred in.

Amendments to sections one hundred and eighty-seven, one hundred and ninety-nine, two hundred, two hundred and four, two hundred and six, two hundred and nine, and two hundred and eleven concurred in.

Mr. Hittell moved that the Senate do not concur in any of the amendments to article four.

Carried.

Amendments to section two hundred and twenty-five concurred in.

Amendments to sections two hundred and thirty and two hundred and thirty-one not concurred in.

Amendment to section two hundred and thirty-eight concurred in.

Amendments to sections two hundred and forty-one and two hundred and fifty-eight not concurred in.

Amendments to sections two hundred and fifty-nine, two hundred and sixty-five, two hundred and seventy, two hundred and seventy-five, and two hundred and seventy-six concurred in.

Amendments to sections two hundred and seventy-nine and two hundred and eighty-two not concurred in.

Amendments to section two hundred and eighty-seven concurred in.

Amendments to section two, chapter two, not concurred in.

Mr. Johnson moved that a Conference Committee of three be appointed by the Chair for the purpose of conferring with a like committee from the Assembly on the amendments as offered to Senate Bill No. 118 by the Assembly, and that the Assembly be requested to appoint a like committee.

Carried.

Mr. Johnson, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Assembly Bill No. 404 was passed.

Mr. Neumann, by permission, introduced a petition from three thousand citizens of San Francisco, protesting against double taxation.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson moved that the special order for one o'clock and

thirty minutes P. M. be postponed until after the disposition of his motion to reconsider the vote whereby Assembly Bill No. 404 was passed.

Carried.

Consideration of the motion to reconsider the vote whereby Assembly Bill No. 404 was passed—continued.

REPORT OF COMMITTEE ON ENROLLMENT.

By Mr. Burt (for Mr. Hudson):

SENATE CHAMBER, March 10th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined Senate Bills Nos. 116, 125, 146, and 236, and find them correctly enrolled, and have been placed to-day in the hands of the Governor.

HUDSON, Chairman.

Mr. Burt announced that he was paired with Senator Hudson upon any and all questions connected with Assembly Bill No. 404.

Leave of absence granted Senators Pool and Hudson for the afternoon.

Mr. Moreland moved a call of the House, with the following result:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

On motion of Mr. Sears, further proceedings under the call were dispensed with.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Wendell, Johnson, and Sears, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Johnson, Johnston, Neumann, Nye, Pardee, Sears, Traylor, and Watson—16.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—20.

Motion to reconsider lost.

Mr. Burt, by permission, introduced the following resolution out of order:

Resolved, That it is the sense of this Senate that the Assembly amendments to section one hundred and three, of Senate Bill No. 118, should be concurred in, in so far as the same provides that the Boards of Supervisors of the several counties may, by order, provide for the election of one additional Justice of the Peace in townships where, in their opinion, the public convenience requires it.

Adopted.

SPECIAL ORDER FOR ONE O'CLOCK AND THIRTY MINUTES P. M.

Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read third time as amended upon recommittal.

Mr. Hittell moved to recommit the bill, with instructions to strike out the words "three hundred thousand dollars," where they occur in said bill, and insert "two hundred and fifty thousand dollars" instead thereof.

Lost.

The question recurred upon the passage of the bill.

Mr. Dickinson announced that he was paired with Senator Pool, stating also that he would vote for the bill, and that Senator Pool would vote against the same.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Davis, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Nye, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—21.
 NOES—Messrs. Burt, Brown, Conger, Enos, Glascock, Gorman, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Ryan, and Satterwhite—16.

The title was then read, and the same approved as read.

THIRD READING OF BILLS.

Senate Bill No. 92—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relative to the State Library.

Mr. Johnson moved a call of the House, with the following result:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnson moved that further action under the call be dispensed with.

Carried.

Substitute for the above bill read third time.

Upon the passage of the bill, the roll was called with the following result:

AYES—Messrs. Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—23.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Ryan, and Satterwhite—15.

The title was then read, and the same approved as read.

Leave of absence for one hour granted Senator Brown.

Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court, and to make an appropriation for their salaries.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—None.

The title was then read, and the same approved as read.

Mr. Satterwhite moved that the report of the Committee on Elections be taken from the table.

Upon which the ayes and noes were demanded by Messrs. Satterwhite, Neumann, and Enos, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Nye, Ryan, Satterwhite, Wendell, and West—16.

NOLs—Messrs. Baker, Burt, Carlock, Chase, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Pardee, Rowell, Sears, Traylor, Watson, and Zuck—21.

Senate refused to take up the report.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 10th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March tenth, eighteen hundred and eighty, passed Senate Bill No. 180—An Act to amend section two thousand and eight hundred and fourteen of the Political Code, concerning public ways.

Senate Bill No. 277—An Act to amend section four of an Act entitled "An Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes," approved March twentieth, eighteen hundred and seventy-eight.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 9th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March sixth, eighteen hundred and eighty, passed Assembly Bill No. 109—An Act permitting and authorizing railway and other corporations organized under the laws of any State or Territory of the United States of America, or any Act of Congress of the United States of America, to do business in this State on the same terms as railway corporations organized under the laws of this State.

Assembly Bill No. 284—An Act to amend an Act entitled "An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in said county and to issue bonds therefor."

Assembly Bill No. 111—An Act to amend section six hundred and eighty-five of the Code of Civil Procedure of California, in relation to the enforcement of judgments.

Assembly Bill No. 248—An Act amendatory of and supplemental to an Act entitled "An Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty," approved March twenty-first, eighteen hundred and seventy-two.

Assembly Bill No. 261—An Act to amend section sixty of the Civil Code of California, relating to the intermarriage of whites with negroes and persons of other races.

Assembly Bill No. 19—An Act to compel banks, savings and loan societies, and all and every kind of person or persons or corporation receiving moneys or other valuable property on deposit or for safe keeping, to publish a sworn statement in certain cases.

Assembly Bill No. 184—An Act to provide for the keeping of accounts in the English or some European language.

Assembly Bill No. 199—An Act to amend section three thousand four hundred and ninety-five of the Political Code, relating to reservation of public lands for Indians.

Assembly Bill No. 230—An Act for the further protection of stockholders in mining companies.

Also, that on March eighth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 170—An Act to amend section five hundred and twenty-nine of the Code of Civil Procedure, in relation to injunctions.

Assembly Bill No. 200—An Act to amend sections one thousand six hundred and thirteen and one thousand six hundred and fourteen of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and to add a new section thereto, to be known as section one thousand six hundred and fifteen, relative to working prisoners confined in county jails.

Assembly Bill No. 176—An Act to amend section six hundred and fifty-four, and to repeal sections six hundred and sixty-six, six hundred and sixty-seven, and six hundred and sixty-eight, of the Penal Code, relative to increase of punishment upon conviction for second offenses.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 109, above reported, read first time, and referred to the Committee on Corporations.

Assembly Bill No. 284, above reported, read first time, and referred to the Committee on Township and County Governments.

Assembly Bill No. 111, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 248, above reported, read first time, and referred to the Committee on Mines and Mining.

Assembly Bill No. 261, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 19, above reported, read first time, and referred to the Committee on Corporations.

Assembly Bill No. 181, above reported, read first time, and referred to the Committee on Chinese and Chinese Immigration.

Assembly Bill No. 199, above reported, read first time, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 230, above reported, read first time, and referred to the Committee on Mines and Mining.

Assembly Bill No. 170, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 200, above reported, read first time, and referred to the Committee on State Prison.

Assembly Bill No. 176, above reported, read first time, and referred to the Judiciary Committee.

ASSEMBLY CHAMBER, SACRAMENTO, March 8th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March sixth, eighteen hundred and eighty, passed Senate Bill No. 143—An Act to repeal an Act entitled "An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco," approved March twenty-seventh, eighteen hundred and seventy-six.

J. M. WRIGHT, Assistant Clerk.

President pro tem. Baker in the chair.

ASSEMBLY CHAMBER, SACRAMENTO, March 10th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March ninth, eighteen hundred and eighty, passed Assembly Bill No. 143—An Act to amend an Act entitled "An Act relating to apprentices and masters," approved April third, eighteen hundred and seventy-six.

Assembly Bill No. 183—An Act to add a new section to the Code of Civil Procedure, in relation to counsel fees in actions for wages.

Assembly Bill No. 185—An Act to amend section six hundred and nineteen of the Penal Code, relative to disclosing the contents of a telegraphic message.

Assembly Bill No. 122—An Act to prevent the sale and use of opium.

Assembly Bill No. 243—An Act for the better protection of laborers in their wages.

Assembly Bill No. 83—An Act to create a Bureau of Labor and Statistics of Land and Labor in the State of California.

Assembly Joint Resolution No. 7—Relative to the procuring of a quarantine depot.

Assembly Bill No. 274—An Act to authorize and empower the Boards of Supervisors of the several counties of this State to allow certain outstanding road claims, and provide for their payment.

Assembly Bill No. 286—An Act relating to the acts and doings of local Boards of Supervisors in cities and counties and towns containing more than one hundred thousand inhabitants.

Assembly Joint Resolution No. 10—Relative to the enforcement of the United States statute making eight hours the length of a day's labor on public works.

Assembly Bill No. 212—An Act to amend sections one thousand and seventy-six, one thousand one hundred and twenty-five, one thousand one hundred and thirty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and seventy-three, and one thousand one hundred and eighty-one, of the Penal Code, relative to proceedings after the commencement of the trial and before judgment.

Assembly Bill No. 258—An Act to add a new section, to be known as section one hundred and eighty, to the Penal Code, relative to crimes against public justice.

Assembly Bill No. 80—An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure, relative to the order of persons entitled to administer on the estates of deceased persons.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 143, above reported, read first time, and referred to the Committee on Education.

Assembly Bill No. 183, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 185, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 122, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 243, above reported, read first time, and referred to the Committee on Corporations.

Assembly Bill No. 83, above reported, read first time, and referred to the Committee on Labor and Capital.

Assembly Joint Resolution No. 7, above reported, read first time, and referred to the Committee on Federal Relations.

Assembly Bill No. 274, above reported, read first time, and referred to the Committee on County and Town Governments.

Assembly Bill No. 286, above reported, read first time, and referred to the Committee on City and Town Governments.

Assembly Joint Resolution No. 10, above reported, read first time, and referred to the Committee on Federal Relations.

Assembly Bill No. 212, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 258, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 80, above reported, read first time, and referred to the Judiciary Committee.

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 8th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March fifth, eighteen hundred and eighty, passed Assembly Bill No. 99—An Act to amend sections five hundred and ninety-six and six hundred and thirty-three of the Political Code, relating to life insurance.

Also, that on March sixth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 148—An Act to amend an Act entitled "An Act to enable certain parties therein named to alienate or incur homesteads," approved March twenty-fifth, eighteen hundred and seventy-four.

Assembly Bill No. 149—An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March twenty-third, eighteen hundred and seventy-two.

Assembly Bill No. 142—An Act to amend the Penal Code, by adding a new section thereto, to be known as section five hundred and thirty-six, relative to cheats.

Assembly Bill No. 118—An Act to amend section one thousand three hundred and eighteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relative to the contesting of the probate of wills.

Assembly Bill No. 130—An Act to amend section six hundred and ninety-one of the Political Code, approved March eighteenth, eighteen hundred and seventy-eight.

Assembly Bill No. 127—An Act to amend sections three hundred and eighteen, three hundred and nineteen, three hundred and twenty, three hundred and twenty-one, three hundred and twenty-two, three hundred and twenty-five, three hundred and thirty-six, three hundred and thirty-seven, three hundred and thirty-nine, three hundred and forty, three hundred and forty-two, and three hundred and forty-three, of the Code of Civil Procedure, relative to limitations of actions.

C. E. GUNN, Chief Clerk.

Assembly Bill No. 99, above reported, read first time, and referred to the Committee on Corporations.

Assembly Bill No. 148, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 149, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 142, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 118, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 130, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 127, above reported, read first time, and referred to the Judiciary Committee.

Mr. Johnson moved that the special orders of to-day, not otherwise disposed of, go over, and take their respective places on the general file for to-morrow.

Carried.

Mr. Nye, by permission, introduced the following report:

SENATE CHAMBER, SACRAMENTO, March 10th, 1880.

MR. PRESIDENT: A majority of the Committee on Judiciary, to whom was referred Senate Bill No. 329—An Act to provide for the compensation of the officers and persons performing duties and incurring expense under "An Act to create a drainage district, to be called the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight—have had the same under consideration, and report the same back with amendments, and the majority of said committee recommend the passage of the bill as amended.

NYE, for the majority.

Also:

SENATE CHAMBER, SACRAMENTO, March 10th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 391—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 423—An Act to provide for the payment of Coroner's inquests held at the State Prisons of the State—and recommend its passage.

Also, Senate Bill No. 444—An Act to amend section three hundred and seventy of the Code of Civil Procedure, relating to parties to actions—and recommend its passage.

NYE, Chairman.

Mr. Wendell gave notice that, on to-morrow, he would present a minority report to Senate Bill No. 329, as reported by the Judiciary Committee.

Mr. Neumann, by leave, called up, out of order, Senate Bill No. 144—An Act to amend section three hundred and fifty-nine of the Civil Code, providing for the increase of the capital stock of corporations.

Bill read second time.

Senate considered as in Committee of the Whole

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

By Mr. Johnson: Senate Joint Resolution No. 6—Memorializing and asking Congress to pay certain money to the State of California.

Read first time and referred to the Committee on Federal Relations.

Mr. West introduced the following bill: Senate Bill No. 476—An Act to provide for funding the indebtedness of cities having a population exceeding seven thousand inhabitants, and not exceeding one hundred thousand.

Read first time, and referred to the Committee on City and Town Governments.

Senate Bill No. 70, on motion of Mr. Brown, was ordered recommitment to the Judiciary Committee.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 10th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 354—An Act to add a new section

to the Political Code, to be known as section one thousand six hundred and eighteen, relating to salaries of school teachers in cities having one hundred thousand inhabitants or more.

Senate Bill No. 268—An Act providing for appeals from orders terming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts.

Senate Bill No. 313—An Act to provide for the management and control of the State Agricultural Society by the State.

CHENEY, Chairman.

On motion of Mr. Traylor, Senate Bill No. 354 was made the special order for to-morrow morning, immediately after the reading of the Journal.

RECESS.

At four o'clock and fifty minutes P. M., on motion of Mr. Chase, the Senate took a recess.

RE-ASSEMBLED.

At seven o'clock and thirty minutes P. M., the hour for re-assembling having arrived, the President and President pro tem. both being absent, the Secretary called the Senate to order.

On motion of Senator Dickinson, Senator Johnson was called to the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

President pro tem. Baker in the chair.

GENERAL FILE.

Special order, Wednesday evening, March tenth, at head of file. Assembly Bill No. 75—An Act entitled an Act to limit and regulate the sale of mining and other stocks.

Senate considered as in Committee of the Whole.

During the consideration of the same, on motion of Mr. Satterwhite, it was continued and made the special order for to-morrow, a one o'clock and thirty minutes P. M.

ADJOURNMENT.

At ten o'clock and ten minutes P. M., on motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, March 11th, 1880. }

The Senate met pursuant to adjournment.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

The Chair appointed Senators Johnson, Wendell, and Hittell as a Committee of Conference, to act with a like Conference Committee from the Assembly, in relation to Senate Bill No. 118.

SPECIAL ORDERS, DIRECTLY AFTER READING JOURNAL.

Senate Bill No. 354—An Act to add a new section to the Political Code, to be known as section one thousand six hundred and eighteen, relating to salaries of school teachers in cities having one hundred thousand inhabitants or more.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, and Zuck—29.

NOES—Messrs. Glascock, Langford, Moreland, Nelson, Nye, Pool, Sears, Wendell, and West—9.

Title read and approved.

NOTICE.

Mr. Moreland gave notice that he would file a protest against the passage of Senate Bill No. 354.

MINORITY REPORT.

Mr. Johnson, by permission, introduced the following minority report from the Judiciary Committee:

SENATE CHAMBER, March 11th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 393—An Act entitled an Act to authorize D. M. Kenfield to sue the State of California—respectfully dissents from the majority report of said committee, and upon the following grounds:

This bill is to allow D. M. Kenfield to sue the State for the recovery of the salary of the office of State Controller, to which office he claims he was legally elected, and hence lawfully entitled to said office. The majority of the Judiciary Committee reject the bill, as being against the nineteenth subdivision of section twenty-five, of article four, of the Constitution, which reads: "The Legislature shall not pass local or special laws * * * granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity."

The claimant does not ask for a *right*; he now has such right, but he only lacks the *power*, which power must be granted by the State, for "the sovereign cannot be sued in whatever form she may owe, unless by her own consent. Her creditors have nothing to rely upon except her good faith." (*Hundaker vs. Barden*, 5 Cal., 290; *Sharp vs. Contra Costa Co.*, 34 Cal., 284.) Claimant does not ask for a *privilege*, or, as that word is defined, a benefit. The passage of this bill confers no benefit upon Mr. Kenfield; he now has all the benefits that can be granted.

An exclusive favor is one in which "others are debarred in the participation;" this debars no one; nor is it special, as it is not "particular" or "extraordinary," but such as is plainly outlined and authorized by section six, of article twenty, of the Constitution.

The undersigned, therefore, contends that said bill, not being in conflict with the Constitution, should pass, and Mr. Kenfield at least be allowed the favor of testing his claim before the Courts.

GROVE L. JOHNSON.

REPORTS OF STANDING COMMITTEES.

By Mr. Johnston :

SENATE CHAMBER, SACRAMENTO, March 11th, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 439, have had the same under consideration, report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

Also :

SENATE CHAMBER, SACRAMENTO, March 11th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 244, have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

JOHNSTON, Chairman.

By Mr. Baker :

SENATE CHAMBER, SACRAMENTO, March 11th, 1880.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 241—An Act to create and establish a Board of Public Works for the State of California—would respectfully report that they have considered the same, and now report the same back to the Senate, and recommend that it be indefinitely postponed.

BAKER, Chairman.

Also :

SENATE CHAMBER, SACRAMENTO, March 11th, 1880.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 343—An Act to provide for the permanent improvement of the State Capitol Park—would respectfully report that they have considered the same, and now report the same back to the Senate without recommendation.

Also, your Committee on Public Buildings, to whom was referred Senate Bill No. 383—An Act to establish a Branch State Normal School—would respectfully report that they have considered the same, and report the same back without recommendation.

BAKER, Chairman.

By Mr. Dickinson :

SENATE CHAMBER, March 10th, 1880.

MR. PRESIDENT: The Committee on Military Affairs of the Senate and Assembly, acting as a joint committee, and directed by a resolution of both Houses to proceed to San Francisco to examine the armories of the National Guard there, and inspect the general condition of the various commands, beg leave to report that they have performed the duty assigned them :

The joint committee visited San Francisco, and on the twenty-third of February made a complete and thorough inspection of Light Battery, "A," the First Cavalry Battalion—Companies "A," "B," and "C"—the Gatling Battery (Company "A"), and the various companies of the First, Second, and Third Regiments of Infantry—all of the Second Brigade, N. G. C., Brigadier-General John McComb, commanding. Your committee take pleasure in reporting that they found the various armories and the military stores therein in good order and condition. The companies are moderately well recruited, and the reports of the officers show a fair average attendance at drills, parades, etc. The committee noted with pleasure and commendation the pride in their organizations, and a cordial interest of the rank and file in all their belongings.

With respect to armories the committee have one recommendation to make, and that is, that at the earliest day practicable the various regiments, batteries, and companies of the Second Brigade should be concentrated in one armory. At present the various companies are quartered about the city in scattered and insecure buildings, and in the event of a local disturbance, or other occurrence calling for the use of the militia, this inconvenience is one that might be disastrously felt. The necessity for such a concentration has already been seen, for even since the visit of your committee the Commander-in-Chief has deemed it advisable to remove the arms of some of the companies to a centralized place of safety. Such a course, though wise, and undoubtedly in furtherance of a sound policy, has yet been grievously felt by both officers and men.

The committee would add, in conclusion, its urgent recommendation that the required appropriation for the maintenance of the National Guard at its present standard of efficiency may be passed by both Houses, without a dissenting voice. The different companies, and other organizations, are spending large sums every year, from their private means, to defray such expenses as are not recognized by the State, and in view of this liberality, the State all-vance provided by law and custom should be granted without a murmur: and further, your committee are of opinion, and recommend, that the State should make an appropriation for the purchase of uniforms to replace those bought by private subscription, and now mostly worn out: also, that provision should be made by the State for an annual encampment of the entire National Guard, it being the only effective way of securing uniform discipline and action among the troops.

DICKINSON, Chairman.

By Mr. Rowell:

MR. PRESIDENT: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 418, report the same back, with recommendation that it do not pass.

ROWELL, Chairman.

Mr. Johnson, by permission, introduced the following resolution:

Resolved, That the Committee on Irrigation, Water Rights, and Drainage be and it is hereby authorized to visit and inspect such portions of the country bordering on the Yuba, Bear, and American Rivers, affected by the flow of mining debris, as it may deem advisable; and the members of said committee are hereby granted leave of absence for that purpose from Friday noon, March twelfth, to Monday noon, March fifteenth.

Adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, March 10th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 116—An Act to amend sections six hundred and thirteen, six hundred and seventeen, and six hundred and eighteen, of the Code of Civil Procedure, relating to trials by jury in civil actions.

Also, Senate Bill No. 125—An Act to amend sections seven hundred and forty-two, seven hundred and fifty-five, seven hundred and ninety-four, eight hundred and two, eight hundred and four, eight hundred and sixteen, and eight hundred and twenty-six, of the Code of Civil Procedure, relating to actions in particular cases.

Also, Senate Bill No. 146—An Act to amend sections one thousand and four and one thousand and five of the Code of Civil Procedure, relating to motions and orders in civil actions.

GEORGE C. PERKINS, Governor.

Committee on Public Buildings granted leave of absence from Friday noon until Monday morning.

Mr. Zuck (by leave) introduced a petition from one thousand citizens of Santa Clara County, requesting the passage of a bill giving women the right to vote.

Referred to the Committee on Elections.

Special order, at ten thirty A. M.:

Senate Bill No. 399—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-five, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-one, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and sixteen, one thousand six hundred and seventeen, one thousand six hundred and nineteen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and twenty-four, one thousand six hundred and sixty-two, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand six hundred and ninety-six, one thousand seven hundred and one, one thousand seven hundred

and twelve, one thousand seven hundred and fifteen, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-four, and to repeal sections one thousand six hundred and fifty-two, one thousand six hundred and sixty-nine, one thousand six hundred and seventy, one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, one thousand seven hundred and forty-six, one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, one thousand seven hundred and fifty-two, one thousand seven hundred and fifty-three, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and fifty-nine, one thousand seven hundred and sixty, one thousand seven hundred and sixty-one, one thousand seven hundred and sixty-two, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-five, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-seven, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and seventy-six, one thousand seven hundred and seventy-seven, one thousand seven hundred and seventy-eight, one thousand seven hundred and seventy-nine, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, one thousand eight hundred and five, one thousand eight hundred and six, one thousand eight hundred and seven, one thousand eight hundred and eight, one thousand eight hundred and nine, one thousand eight hundred and ten, one thousand eight hundred and eleven, one thousand eight hundred and twelve, one thousand eight hundred and thirteen, one thousand eight hundred and fourteen, one thousand eight hundred and fifteen, one thousand eight hundred and sixteen, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and nineteen, one thousand eight hundred and twenty, one thousand eight hundred and twenty-one, one thousand eight hundred and twenty-two, one thousand eight hundred and twenty-three, one thousand eight hundred and twenty-four, one thousand eight hundred and twenty-five, one thousand eight hundred and twenty-six, one thousand eight hundred and twenty-seven, one thousand eight hundred and twenty-eight, one thousand eight hundred and twenty-nine, one thousand eight hundred and thirty, one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-two, one thousand eight hundred and thirty-three, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and thirty-eight, one thousand eight hundred and thirty-nine, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight, one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, one thousand eight hundred and fifty-three, one thousand eight hundred and fifty-four, one thousand eight hundred and fifty-five, one thousand eight hundred and fifty-six, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-four, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-six, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-eight, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four, one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven, one thousand eight hundred and seventy-eight, one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, one thousand eight hundred and eighty-eight, one thousand eight hundred and eighty-nine, one thousand eight hundred and ninety, one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, one thousand eight hundred and ninety-five, one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-eight, one thousand eight hundred and ninety-nine, and to add five new sections thereto, to be known as sections one thousand five hundred and sixty-five, one thousand five hundred and eighty-three, one thousand seven hundred and three, one thousand seven hundred and four, and one thousand eight hundred and seventy-nine.

Bill read second time.

Senate considered as in Committee of the Whole.

RECESS.

During the consideration of the same, the hour having arrived, the Senate took a recess for one hour.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. West moved that Assembly Bill No. 75, special order for one o'clock and thirty minutes P. M., be placed at the head of the general file.

Carried.

On motion of Mr. West, all the special orders set for one o'clock and thirty minutes P. M. were postponed until after the consideration of Senate Bill No. 399.

Consideration of Senate Bill No. 399 continued.

In Senate.

Mr. Davis moved that the bill be re-sectionized by the Secretary.

Carried.

Upon the concurrence of the amendment as adopted, while in Committee of the Whole, striking out section thirty, the ayes and noes were demanded by Messrs. Johnson, Davis, and Pardee, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Davis, George, Glascock, Harlan, Hittell, Hudson, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Rowell, Ryan, Satterwhite, Traylor, West, and Zuck—23.

NOES—Messrs. Baker, Conger, Dickinson, Enos, Gorman, Hill, Johnson, Johnston, Langford, Neumann, Pardee, Pool, Sears, and Wendell—14.

Amendment concurred in.

Mr. George moved to amend section twenty-six, line six, printed bill, by striking out "physiology" and inserting "bookkeeping," after the word "of," so that the sentence may read "elements of bookkeeping."

Upon which the ayes and noes were demanded by Messrs. George, Wendell, and Johnson, with the following result:

AYES—Messrs. Cheney, Enos, George, Hudson, Kane, Kelly, Nelson, Neumann, Ryan, Sears, Watson, and West—12.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Lampson, Langford, Moreland, Nye, Pool, Rowell, Satterwhite, Traylor, Wendell, and Zuck—24.

Amendment lost.

Bill ordered engrossed.

Mr. Sears moved that the rules be suspended, and that the Senate take up Senate Bill No. 84.

Carried.

Mr. Moreland, pursuant to notice given this morning, now introduced the following protest:

MR. PRESIDENT: The undersigned hereby respectfully, but most earnestly, enters his solemn protest against the action of the Senate, in passing Senate Bill No. 354, entitled an Act to add a new section to the Political Code, to be known as section one thousand six hundred and eighteen, relating to salaries of school teachers in cities having one hundred thousand inhabitants or

more, and which also directs the Board of Education of such cities to make an estimate of the amount of money required for salaries of teachers upon the basis fixed by the bill; and, also, to make an annual levy of taxes to pay such salaries, and pay them on the basis fixed by the bill. San Francisco is a school district, and is the only one to which the provisions of the bill apply. The bill is, therefore, local in its character, and is special legislation of the most pronounced type. It is an unwarrantable interference on the part of the State in the local affairs of a particular community, and is against the general policy of the Constitution and laws heretofore passed. In the opinion of your protestant, it is also unconstitutional, as it is in contravention of subdivision twenty-seven, of section twenty-five, of article four of the Constitution, which says: "The Legislature shall not pass any local or special laws providing for the management of common schools." If the Legislature can fix the salaries of teachers in the City of San Francisco it can also fix the salary in any other school district in the State, thereby preventing those directly interested from having any voice in saying what compensation the teacher shall receive.

We concur in the above protest.

W. W. MORELAND.

JOHN P. WEST.

S. G. NYE.

B. B. GLASCOCK.

Mr. Davis raised the point of order that the protest could not be filed after the passage of the bill.

The Chair overruled the point of order as raised, and the protest was ordered filed accordingly.

Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES—Mr. Kane—1.

Title read and approved.

Mr. Johnston was granted leave of absence for the rest of the day.

RESOLUTION.

Mr. Johnson, by leave, introduced the following resolution:

Resolved, That the Assembly be and it is hereby requested to return Assembly Bill No. 404, an Act, etc., to the Senate, for the purpose of correcting a typographical error that has occurred in printing section eight of said bill, as amended by the Senate.

Mr. Wendell moved that the further consideration of the resolution be made the special order for to-morrow morning, immediately after the reading of the Journal.

Upon which the ayes and noes were demanded by Messrs. Wendell, Johnson, and Traylor, with the following result:

AYES—Messrs. Davis, Glascock, Gorman, Harlan, Hill, Kane, Lampson, Moreland, Nelson, Neumann, Pool, Rowell, Satterwhite, Traylor, Wendell, West, and Zuck—17.

NOES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Dickinson, Enos, George, Hittell, Hudson, Johnson, Kelly, Langford, Nye, Pardee, Ryan, Sears, and Watson—19.

Lost.

The question now recurred upon the adoption of the resolution.

The ayes and noes were demanded by Messrs. Johnson, Wendell, and Chase, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Conger, Dickinson, Enos, George, Hittell, Hudson, Johnson, Langford, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, and West—21.

NOES—Messrs. Burt, Davis, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Moreland, Nelson, Rowell, Satterwhite, Wendell, and Zuck—15.

Adopted.

ADJOURNMENT.

At five o'clock and fifteen minutes p. m. Mr. Satterwhite moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Johnson, Chase, and Conger, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—30.

NOES—Messrs. Burt, Cheney, Hill, Hittell, Johnson, and Nye—6.

Carried.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Friday, March 12th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

On motion of Mr. Johnson, Senators Cheney and Moreland were substituted in place of Senators Brown and Johnson on the Committee of Water Rights and Drainage, to act in their stead in the matter of the debris question so far as regards visiting Marysville and vicinity.

Mr. Satterwhite moved that the Senate rescind its action, in the adoption of the resolution adopted yesterday, relating to the recalling of Assembly Bill No. 404.

Mr. Johnson raised the point of order that the motion was out of order, because no notice of reconsideration had been given, and that Rule Thirty-one provided that notice to reconsider must be given upon a resolution as well as a bill, and that a motion to rescind was of the same character as a reconsideration.

The Chair decided the point well taken.

PETITIONS.

By Mr. Enos—A petition from several citizens of this State, asking

for the passage of a law giving women the right to vote on certain occasions.

Read, and referred to the author.

REPORTS OF STANDING COMMITTEES.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, March 12th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage beg leave to report, and recommend the adoption of, the following resolution, viz:

Resolved, That the members of the Committee on Military Affairs be allowed the amounts set opposite to their respective names for mileage, as shown in the following said amounts, to be paid out of the appropriation for the contingent expenses of the Senate:

Senator Dickinson	\$16 80
Senator Glascock	16 80
Senator Conger	16 80
Senator Nelson	16 80
Senator Pardee	16 80
Senator Hudson	16 80
Senator Hittell	16 80

ZUCK, Chairman.

Mr. Glascock moved that the name of Glascock be stricken out of the above report.

Carried.

Resolution above reported adopted.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, March 11th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, of article eleven, of the Constitution of this State—have had the same under consideration, and the undersigned majority report the bill back, and recommend that the same be indefinitely postponed, for the following reasons:

First—That section eight, of article eleven, provides that cities containing more than a population of one hundred thousand may frame a charter for its own government.

Second—That the bill is in violation of the provisions of the Constitution, empowering such cities to frame its own charter.

Third—That said proposed bill is against the will of the people, who do not desire it.

Fourth—That said bill increases the number of officials of such city, and thereby an additional expense.

Fifth—That it deprives the people of the right to elect their own officers, and places the appointing power in the hands of non-residents of such cities.

Sixth—That it is not for the interest of the people of such cities, but it is, as avowed by its authors, for the retention of political power for partisan purposes.

Seventh—That the people of the City of San Francisco, for which this bill is prepared, have called an election for fifteen freeholders, under said article eleven, section eight, to frame a charter for said city.

Eighth—That this bill is designed to defraud the people of said city of their right to frame a charter for the government of that city.

ENOS, Chairman.
KELLY,
GORMAN,
NELSON,
KANE,
CONGER.

By Mr. Neumann:

SENATE CHAMBER, SACRAMENTO, March 11th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, of article eleven, of the Constitution of this State—have had the same under consideration, and the undersigned minority report the bill back with amendments, and recommend the passage of the bill as amended.

PAUL NEUMANN.
THEODORE H. HITTELL,
W. W. TRAYLOR,
JNO. H. DICKINSON.

Mr. Johnson moved that Senate Bill No. 362, above reported, be made the special order for next Wednesday morning, immediately after the reading of the Journal, and that the bill be printed as amended in committee.

Carried.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, March 12th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 458—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirtieth fiscal year.

Also, Senate Bill No. 459—An Act to provide for the deficiency in the appropriation for traveling expenses of the State Board of Education during the thirtieth fiscal year.

Also, Senate Bill No. 460—An Act to provide for the deficiency in the appropriation for the contingent expenses of the Supreme Court during the thirtieth fiscal year.

Also, Senate Bill No. 461—An Act to provide for the deficiency in the appropriation for arresting criminals without the limits of the State during the thirtieth fiscal year.

Also, Senate Bill No. 462—An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirtieth fiscal year.

Also, Senate Bill No. 463—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Normal School for the twenty-ninth and thirtieth fiscal years.

Also, Senate Bill No. 464—An Act to appropriate money for the payment of the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers for the twenty-ninth fiscal year.

Also, Senate Bill No. 465—An Act to appropriate money for the payment of the deficiency in the appropriation for the transportation of prisoners for the twenty-ninth fiscal year.

Also, Senate Bill No. 466—An Act to appropriate money for the payment of the deficiency in the appropriation for stationery, fuel, and lights for the twenty-ninth fiscal year.

Also, Senate Bill No. 467—An Act to pay the claim of John Voorhies.

Also, Senate Bill No. 468—An Act to pay the claim of L. L. Lewis.

Also, Senate Bill No. 469—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirtieth fiscal year.

Have had the same under consideration, report back, and recommend their passage.

TRAYLOR, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 12th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 358—An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed or nonsuit entered—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 361—An Act entitled an Act to prevent the accumulation of large landed estates—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 413—An Act providing for the service and return of summons in Justices' Courts—and report the same back, and recommend that it be indefinitely postponed, as its provisions are contained in section eight hundred and forty-nine of the Code of Civil Procedure.

Also, Senate Bill No. 414—An Act requiring manufacturers to stamp or mark goods—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 415—An Act to amend section seventy of the Civil Code—report the same back, and recommend that it be indefinitely postponed, as its provisions are contained in Assembly Bill No. 36, now before the Senate.

Also, Assembly Bill No. 120—An Act to amend section seven hundred and two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, in relation to redemption of property sold under execution—and report the same back with amendments, and recommend its passage as amended.

NYE, Chairman.

By Mr. Cheney:

SENATE CHAMBER, March 11th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed the following Senate bill, viz.: Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors—so that it now corresponds with the amended bill.

CHENEY, Chairman.

Also:

SENATE CHAMBER, March 11th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 58—An Act to restrict and limit titles to real estate.

Senate Concurrent Resolution No. 24—Relative to proposed amendment to the Constitution allowing women to vote.

CHENEY, Chairman.

Also:

SENATE CHAMBER, March 11th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly reengrossed, the following Senate bill, viz.: Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

CHENEY, Chairman.

By Mr. Wendell:

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to which was referred Senate Bill No. 329, dissent from the opinion of the majority of said committee recommending said bill for passage with amendments.

The bill appropriates fifteen thousand seven hundred and fifty dollars for salaries and expenses, under the provisions of an Act to create a drainage district, to be called the Sacramento River Drainage District, etc., approved April first, eighteen hundred and seventy-eight. The Act in question provides for the reclamation of a district merely. It is neither a State nor county enterprise, hence neither State nor county can be made liable for it: and furthermore, the idea of such liability is expressly excluded by section seven of said Act.

The district liability is such only as is imposed by the terms of the Act itself, and it is not within the constitutional power of the Legislature to change or enlarge it. No municipal corporation is created to which a general liability might attach. Certain territory and property is formed into a district for a special purpose, only which being accomplished, the district, as such, ceases to exist.

Under the provisions of the Act the district was subjected to no liability, unless the report of the engineer selected to make the preliminary survey was favorable. The sum of ten thousand dollars was appropriated from the State treasury for such preliminary survey, with the proviso that if the engineer's report was adverse (as was the case) no further proceedings should be had under the Act. This Legislature cannot, therefore, in the judgment of the undersigned, create a liability against the property of the district, where no such liability previously existed, and levy a tax thereon to pay the same. (*Hoagland vs. Sacramento*, 52 Cal., 142; *People ex. Lynch*, 51 Cal., 15.) The bill is further subject to the constitutional objection that it levies a special tax for a special purpose, contrary to subdivision ten, section twenty-five, of article four, of the Constitution. We, therefore, recommend that the bill do not pass.

J. F. WENDELL,
T. H. HITTELL.

By Mr. Hudson:

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and find correctly enrolled, Senate Bills Nos. 31, 35, 36, 37, 37, 143, 180, and 277, and that they have been placed in the hands of the Governor.

HUDSON, Chairman.

By Mr. Neumann:

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 401, have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass as amended.

NEUMANN, Chairman.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 11th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March ninth, eighteen hundred and eighty, passed Assembly Bill No. 273—An Act to amend sections one thousand two hundred and seventy-three, one thousand two hundred and seventy-eight, one thousand two hundred and eighty, one thousand two hundred and eighty-seven, one thousand two hundred and eighty-eight, one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven, of the Penal Code, relative to miscellaneous proceedings.

Assembly Bill No. 249—An Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March thirtieth, eighteen hundred and seventy-four.

Assembly Bill No. 187—An Act to prevent discrimination by gas companies in the State of California.

Also, that on March tenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 271—An Act to provide for the refunding of the funded debt of the City of Los Angeles, created by an Act of Legislature, approved February first, eighteen hundred and sixty-eight, and entitled "An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company," in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto."

Assembly Bill No. 47—An Act to amend sections one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty-six, and one thousand one hundred and twenty-seven, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to contesting elections.

Assembly Bill No. 177—An Act to amend section fifty-four of the Penal Code, relative to crimes against the elective franchise.

Assembly Bill No. 214—An Act to amend an Act entitled "An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto," approved March eighteenth, eighteen hundred and seventy-four.

Assembly Bill No. 226—An Act to amend section three thousand and fifty-two of the Civil Code, relating to liens on personal property.

Senate Bill No. 108—An Act granting relief to taxpayers whose lands have been sold to the State.

Also, that on March eleventh, eighteen hundred and eighty, the Assembly adopted Assembly Concurrent Resolution No. 17—Relative to the establishment of a first order light and a steam fog signal stationed at Point St. George, on the northern coast of California.

Also, that on March eleventh, eighteen hundred and eighty, the Assembly adopted the report of the Conference Committee upon Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 273, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 249, above reported, read first time, and, on motion of Mr. Johnson, referred to the Committee on Corporations, with instructions to report the same back Monday morning.

Assembly Bill No. 187, above reported, read first time, and referred to the Committee on Corporations, on motion of Mr. Satterwhite.

Assembly Bill No. 271, above reported, read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 47, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 177, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 214, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 226, above reported, read first time, and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 17, above reported, read first time, and referred to the Committee on Federal Relations.

Mr. Johnson gave notice that, on to-morrow, he would call for a report from the San Francisco delegation, relating to Senate Bill No. 9.

Leave of absence granted Senator Traylor until next Monday noon.

ASSEMBLY CHAMBER, SACRAMENTO, March 12th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March tenth, eighteen hundred and eighty, passed Assembly Bill No. 219—An Act regulating the receiving, transportation, and delivery of grain by railroad corporations, and defining the duties of such corporations with respect thereto.

Assembly Bill No. 377—An Act to empower the Directors of Levee District Number One, of Sutter County, to issue bonds for the payment or funding of the unfunded indebtedness of said levee district, and to provide for the redemption of such bonds by taxing the property in the district.

Assembly Bill No. 382—An Act to redeem and refund the bonds issued by the County of San Mateo under and by virtue of "An Act to provide funds for the construction and improvement

of highways in the County of San Mateo," approved April fourth, eighteen hundred and seventy.

Assembly Joint Resolution No. 15—Relative to extending the thanks of the State to J. W. Mackey.

Assembly Bill No. 384—An Act to amend an Act entitled "An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, in the State of California," approved January ninth, eighteen hundred and seventy-four.

Assembly Bill No. 392—An Act to authorize Boards of Supervisors to employ a deputy in certain cases.

Assembly Bill No. 337—An Act to encourage the planting of jute.

Assembly Bill No. 320—An Act for the better protection of fruit trees and vines.

Assembly Bill No. 100—An Act to amend "An Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents," approved April second, eighteen hundred and sixty-six.

Assembly Bill No. 70—An Act to declare the public solicitation of prostitution a misdemeanor.

Assembly Bill No. 220—An Act prohibiting public officials from entering into any contract, on the part of the public, covering a longer period of time than two years.

Also, that on March eleventh, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 163—An Act to add a new section to the Penal Code of the State of California, to be known as section three hundred and eight, relative to the sale of intoxicating liquors at retail.

Assembly Bill No. 162—An Act to amend section three hundred and thirty-eight of the Penal Code, relative to pawnbrokers.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 219, above reported, read first time, and referred to the Committee on Corporations.

Assembly Bill No. 377, above reported, read first time, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 382, above reported, read first time, and referred to the Committee on County and Township Governments.

Assembly Joint Resolution No. 15, above reported, read first time, and referred to the Committee on Federal Relations.

Assembly Bill No. 384, above reported, read first time, and referred to the Committee on Education.

Assembly Bill No. 392, above reported, read first time, and, upon motion of Mr. Johnson, referred to the Committee on County and Township Governments, with instructions to report the same back on Monday morning.

Assembly Bill No. 337, above reported, read first time, and referred to the Committee on Agriculture.

Assembly Bill No. 320, above reported, read first time, and referred to the Committee on Agriculture.

Assembly Bill No. 100, above reported, read first time, and referred to the Committee on Corporations.

Assembly Bill No. 70, above reported, read first time, and referred to the Committee on Public Morals.

Assembly Bill No. 220, above reported, read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 163, above reported, read first time, and referred to the Committee on Public Morals.

Assembly Bill No. 162, above reported, read first time, and referred to the Committee on Public Morals.

Mr. Wendell moved that the Secretary be instructed not to transmit to the Assembly the resolution adopted yesterday recalling Assembly Bill No. 404.

Carried.

Mr. Johnson moved to reconsider the vote whereby the motion of Mr. Wendell was carried requiring the Secretary to keep the resolution relating to Assembly Bill No. 404 at the desk.

Upon which the ayes and noes were demanded by Messrs. Johnson, Conger, and Enos, with the following result:

AYES—Messrs. Anderson, Cheney, Conger, Hittell, Johnson, Neumann, Nye, Pardee, Sears, and Watson—10.

NOES—Messrs. Burt, Chase, Davis, Enos, George, Glascock, Gorman, Kane, Lampson, Langford, Moreland, Nelson, Rowell, Satterwhite, Wendell, West, and Zuck—17.

Lost.

At twelve o'clock and fifteen minutes p. m. Mr. Satterwhite moved that the Senate adjourn until Monday at ten o'clock a. m.

Upon which the ayes and noes were demanded by Messrs. Burt, Zuck, and Johnson, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Davis, George, Neumann, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—13.

NOES—Messrs. Burt, Carlock, Enos, Glascock, Gorman, Hittell, Kane, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Sears, and Wendell—15.

Lost.

INTRODUCTION OF BILLS.

By Mr. Davis: Senate Bill No. 477—An Act to amend an Act entitled an Act to provide for the protection of lands from overflow in the County of Yuba, approved March second, eighteen hundred and seventy-four.

Read first time, and referred to the Judiciary Committee.

ADJOURNMENT.

At twelve o'clock and twenty minutes p. m. Mr. Enos moved that the Senate adjourn until Monday, at ten o'clock a. m.

Upon which the ayes and noes were demanded by Messrs. Burt, Carlock, and Nelson, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Davis, Enos, George, Moreland, Neumann, Rowell, Ryan, Satterwhite, Watson, Wendell, and West—15.

NOES—Messrs. Burt, Carlock, Glascock, Gorman, Hittell, Johnson, Kane, Lampson, Langford, Nelson, Nye, Pardee, and Sears—13.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, March 15th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Neumann, Nye, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck.

Quorum present.

The Journal of Friday read and approved.

Mr. Johnson moved that the special orders set for immediately after the reading of the Journal be postponed until after the disposition of, and that the Senate now take up, Senate Bill No. 174 for third reading.

Carried.

Senate Bill No. 174—An Act to amend sections one thousand two hundred and ninety-five, one thousand two hundred and ninety-eight, one thousand three hundred and three, one thousand three hundred and five, one thousand three hundred and thirteen, one thousand three hundred and seventeen, one thousand three hundred and twenty-two, one thousand three hundred and thirty-eight, one thousand three hundred and forty, one thousand three hundred and forty-five, one thousand three hundred and sixty, one thousand three hundred and sixty-one, one thousand three hundred and sixty-two, one thousand three hundred and seventy-two, one thousand three hundred and seventy-three, one thousand three hundred and eighty-three, one thousand three hundred and eighty-eight, one thousand three hundred and eighty-nine, one thousand three hundred and ninety-one, one thousand three hundred and ninety-three, one thousand three hundred and ninety-four, one thousand three hundred and ninety-seven, one thousand three hundred and ninety-eight, one thousand four hundred and two, one thousand four hundred and three, one thousand four hundred and six, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and twenty-six, one thousand four hundred and twenty-seven, one thousand four hundred and thirty, one thousand four hundred and thirty-one, one thousand four hundred and thirty-two, one thousand four hundred and thirty-three, one thousand four hundred and thirty-six, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thousand four hundred and fifty-two, one thousand four hundred and fifty-three, one thousand four hundred and fifty-nine, one thousand four hundred and sixty, one thousand four hundred and sixty-one, one thousand four hundred and sixty-four, one thousand four hundred and sixty-five, one thousand four hundred and sixty-six, one thousand four hundred and sixty-nine, one thousand four hundred and seventy, one thousand four hundred and seventy-four, one thousand four hundred and seventy-five, one thousand four hundred and eighty-five, one thousand four hundred and ninety-three, one thousand four hundred and ninety-four, one thousand four hundred and ninety-five, one thousand four hundred and ninety-six, one thousand four hundred and ninety-seven, one thousand four hundred and ninety-eight, one thousand four hundred and ninety-nine, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and seven, one thousand five hundred and ten, one thousand five hundred and twelve, one thousand five hundred and seventeen, one thousand five hundred and nineteen, one thousand five hundred and twenty-three, one thousand five hundred and twenty-six, one thousand five hundred and twenty-nine, one thousand five hundred and thirty, one thousand five hundred and thirty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-six, one thousand five hundred and thirty-seven, one thousand five hundred and forty, one thousand five hundred and forty-one, one

thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-five, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-six, one thousand five hundred and sixty-nine, one thousand five hundred and seventy, one thousand five hundred and seventy-five, one thousand five hundred and eighty-five, one thousand five hundred and eighty-eight, one thousand five hundred and ninety, one thousand five hundred and ninety-one, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred and two, one thousand six hundred and three, one thousand six hundred and four, one thousand six hundred and sixteen, one thousand six hundred and eighteen, one thousand six hundred and twenty-two, one thousand six hundred and twenty-three, one thousand six hundred and twenty-four, one thousand six hundred and twenty-five, one thousand six hundred and twenty-nine, one thousand six hundred and thirty-two, one thousand six hundred and thirty-three, one thousand six hundred and forty, one thousand six hundred and forty-nine, one thousand six hundred and sixty-one, one thousand six hundred and sixty-seven, one thousand six hundred and sixty-nine, one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and seventy-seven, one thousand six hundred and eighty, one thousand six hundred and eighty-four, one thousand six hundred and eighty-five, one thousand six hundred and eighty-six, one thousand six hundred and ninety-two, one thousand six hundred and ninety-three, one thousand six hundred and ninety-four, one thousand six hundred and ninety-six, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, one thousand seven hundred and sixteen, one thousand seven hundred and eighteen, one thousand seven hundred and twenty, one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty, one thousand seven hundred and thirty-three, one thousand seven hundred and thirty-four, one thousand seven hundred and thirty-five, one thousand seven hundred and thirty-six, one thousand seven hundred and thirty-seven, and one thousand seven hundred and forty, of the Code of Civil Procedure, relating to the settlement of estates of deceased persons.

Read third time, and passed by the following vote:

AYES—Messrs. Burt, Brown, Carlock, Cheney, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Neumann, Rowell, Ryan, Satterwhite, Sears, Wendell, and West—23.

NOES—None.

Title read and approved.

Mr. Hittell moved that the special orders, postponed by motion of Mr. Johnson, be continued, and that the Senate take up the following bills out of order.

Carried.

Senate Bill No. 112.

Mr. Hittell moved that the report of the Judiciary Committee be adopted, and that the Senate do not concur in the amendments as made by the Assembly.

Carried.

Senate Bill No. 158.

Report of the Judiciary Committee adopted, and the Senate refused to concur in the amendments as adopted by the Assembly.

Senate Bill No. 175.

Amendments to sections one, two, three, four, five, six, ten, eleven, twelve, thirteen, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, and thirty-two, concurred in by the Senate.

Amendments to section thirty-three, on motion of Mr. Hittell, the Senate refused to concur.

Mr. Hittell moved that the Senate reconsider the vote whereby the amendments to Senate Bill No. 175 were concurred in.

Carried.

Mr. Chase moved that the Senate refuse to concur in all the amendments as made by the Assembly to Senate Bill No. 175.

Carried.

Senate Bill No. 141.

The Senate refused to concur in the Assembly amendments.

REPORT OF COMMITTEE ON ENROLLMENT.

By Mr. Burt:

SENATE CHAMBER, March 15th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bill No. 108, and that the same has this day been placed in the hands of the Governor, at the hour of eleven o'clock and fifty minutes A. M.

BURT, for the Committee.

By Mr. Sears (by permission):

SENATE CHAMBER, SACRAMENTO, March 15th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 249, with instructions to report the same back Monday morning, March fifteenth, have had the same under consideration, and report the same back to the Senate, and recommend that it be referred to the Judiciary Committee to examine into its constitutionality.

SEARS, Chairman.

Report adopted, and reference of Assembly Bill No. 249 ordered as recommended.

RECESS.

At twelve o'clock and twenty-nine minutes P. M., on motion of Mr. Johnson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

Quorum present.

Mr. Wendell, by permission, introduced the following report:

MR. PRESIDENT: Your Committee on County and Township Governments respectfully report that they have had under consideration Assembly Bill No. 392—An Act to authorize Boards of Supervisors to employ a deputy in certain cases—and recommend its passage as amended.

March 15th, 1880.

WENDELL, Chairman.

Mr. Johnson, by permission, introduced the following resolution out of order:

Resolved, That commencing Monday, March twenty-second, eighteen hundred and eighty, the Senate hold evening sessions, each day, commencing at seven o'clock and thirty minutes, at which sessions nothing shall be in order save the consideration of the general file: *provided*, that the Senate may, by a two-thirds vote, place other business for consideration at said evening sessions.

Read, and laid over for one day under the rules.

Mr. Davis, by permission, introduced the following bill: Senate Bill No. 478—An Act to appropriate moneys for the payment of I. S. Belcher, Thos. P. Stoney, and A. C. Freeman, for services in preparing bills adapting the Codes to the Constitution.

Read first time, and referred to the Judiciary Committee.

Senate Bills Nos. 112, 158, 175, and 141, ordered transmitted to the Assembly on motion of Mr. Hittell.

Mr. Johnson moved that the special orders for one o'clock and thirty minutes p. m. be continued until after the introduction of petitions and reports.

Carried.

PETITIONS.

By Mr. Ryan—From residents of Mendocino County, asking for them an appropriation of twenty thousand dollars to construct a road between the Counties of Mendocino and Humboldt.

Referred to the Committee on Roads and Highways.

By Mr. Chase—From F. A. Foster and twenty-four others, residents of Goleta, in favor of local option in county government.

Read, and referred to the Committee on County and Township Governments.

Also, from W. E. Nichols and eighteen others, asking for the passage of Mr. Chase's mortgage bill.

Ordered filed.

By Mr. Enos—From citizens of the State, asking the passage of a law conferring the privilege of voting upon women citizens of the State.

Referred to the Committee on Elections.

REPORTS OF STANDING COMMITTEES.

By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, March 15th, 1880.

MR. PRESIDENT: Your Committee on Fisheries and Game, to whom was referred Senate Bill No. 332—entitled an Act to provide for the construction and maintenance of fishways—have had the same under consideration, and report it back with a substitute, and recommend passage of substitute.

Also, Senate Bill No. 433—An Act relating to fishing in the waters of this State—have had the same under consideration, and report it back with the recommendation that it do not pass.

CARLOCK, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 15th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 394—An Act to amend section eight hundred and eleven of the Penal Code, concerning the jurisdiction of Magistrates—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Bill No. 210—An Act to amend sections eight hundred and twenty-five and eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment—and report the same back, and recommend its passage.

Also, Senate Bill No. 356—An Act to impose a license upon land owners—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 411—An Act to amend section two thousand and thirty-nine of the Political Code, relating to the National Guard—and report the same back, and recommend its passage.

Also, Senate Bill No. 324—An Act to provide for the settlement of the indebtedness created by the survey of the West Side Irrigation District, and to make an appropriation to pay the same—have had the same under consideration, and report the same back to the Senate, and recommend that it be indefinitely postponed, on the grounds that the State of California is not, and ought not to be made, liable for the payment of the debts of said irrigation district. By the Act establishing this district (Statutes 1875-76, page 731) section thirteen thereof, it is provided that, "In no event shall the State of California be liable, or in any way responsible, for any debt or liability incurred by the irrigation district herein provided for." Also, in the Act of March twenty-fifth, eighteen hundred and seventy-eight, Statutes 1877-78, page 520, it is provided that "the bonds of the district shall express on the face thereof that the State of California is not responsible for either the principal or interest thereof."

Also, Senate Bill No. 416—An Act to amend section number one thousand three hundred and thirteen of the Civil Code, concerning devises to charitable uses—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 424—An Act to authorize the Board of Trustees of School Districts to issue bonds to raise money for building purposes, and to provide for the payment of such bonds—and report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 428—An Act to amend section nine hundred and eighty-seven of the Penal Code, relating to the power of the Court to appoint counsel in criminal cases—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 429—An Act to amend sections seven hundred and fifty-seven and seven hundred and fifty-eight of the Code of Civil Procedure—and report the same back, and recommend its passage.

Also, Senate Bill No. 449—An Act to authorize State Boards of Directors, Commissioners, Trustees, or Regents to sue and defend in their official or corporate capacity—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 55—An Act to amend sections two hundred and thirty-five and two hundred and sixty-six of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the meeting of the Legislature, and the compensation of its members—and report the same back, and recommend its passage.

Also, Assembly Bill No. 144—An Act to amend an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March twenty-eighth, eighteen hundred and seventy-four—and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 146—An Act to amend an Act entitled "An Act concerning the selection and sale of University lands," approved March thirteenth, eighteen hundred and seventy-four—and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 228—An Act to repeal an Act entitled an Act in relation to the office of Court Commissioner of San Joaquin County, approved March twelfth, eighteen hundred and seventy—have had the same under consideration and report the same back, and recommend its passage.

Also, Assembly Bill No. 224—An Act to amend sections one thousand two hundred and forty-six, one thousand two hundred and forty-eight, and one thousand two hundred and fifty-two, of the Penal Code, relative to appeals to the Supreme Court—and report the same back, and recommend its passage.

Also, Senate Bill No. 23—An Act to amend sections eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, five hundred and fourteen, of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments—and report the same back, and recommend that the Senate concur in the Assembly amendments, except the amendment to the title and to section three.

Also, Assembly Bill No. 23—An Act to amend section one thousand four hundred and fifty-two of the Code of Civil Procedure, in relation to limitations of actions brought by heirs and devisees—and report the same back, and recommend that it do not pass, as its provisions are met by Senate Bill No. 174.

Also, Senate Bill No. 183—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and

thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, three thousand eight hundred and eighty-one, of the Political Code, and to repeal sections three thousand seven hundred and thirty-three, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six, of said Code, providing for a duplicate assessment book—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 87—An Act designating the places in which polls shall be located—and report the same back with a substitute, and recommend the passage of the substitute.

Also, petition to pay John F. Swift six thousand dollars for professional services, and report the same back, and recommend that no action be taken thereon.

Also, fourteen petitions, and report the same back, and recommend that they be returned to the Senators introducing them, as the bills to which they referred have been returned to the Senate.

NYE, Chairman.

NOTICE.

Mr. Johnson gave notice that, on to-morrow, he would file a minority report on Senate Bills Nos. 429, 356, and 428.

By Mr. Burt:

SENATE CHAMBER, March 15th, 1880.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Resolution No. —, relative to the custom of referring to members of this body by use of the words, "learned, brilliant, gallant, chivalrous, distinguished, or able," beg leave to report that they regard the use of such language as endangering the peace and dignity of this honorable body, and that the same should be frowned down, sat upon, and squelched out by every means in our power, even by a resort to arms, if necessary, and beg to submit the following two or three several reasons in support thereof:

Firstly—Inasmuch as the words above mentioned are applied only to a favored few, we regard it as tending to establish a privileged class, or aristocracy, in our midst, which is clearly in conflict with section nine, of article one, of the Constitution of the United States, which prohibits the granting of any title of nobility.

Secondly—It tends to raise that favored few to a higher level than the great mass of this honorable body can ever hope to reach, thus rendering the generally accepted opinion that we are a body of "peers"—an absurdity. We might be induced, however, to withdraw this objection, if said favored few would consent to write our names "in burning letters" on "Fame's highest pinnacles," where future generations might gaze on them in awe, and wonder how the d—l they ever got there.

Thirdly—Well, we haven't been able to corral thirdly, as yet, but hope to do so before the close of the session.

For these and many other reasons that we might mention, if we knew what they were, we most earnestly urge the passage of the resolution.

BURT, Chairman.

Resolution referred back for further consideration.

Mr. Hill introduced the following resolution out of order:

Resolved, That the per diem of the Assistant Journal Clerk is hereby fixed at six dollars, to commence from date of appointment.

Adopted.

Mr. Wendell moved a further postponement of the special orders until after the introduction of bills.

Carried.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Enos: Senate Bill No. 479—An Act to confer upon women the privilege of voting.

Read first time, and referred to the Committee on Elections.

By Mr. Hittell: Senate Bill No. 480—An Act to amend sections one thousand and thirty-three, one thousand and thirty-four, one thousand and thirty-five, one thousand one hundred and eighty-two, and one thousand one hundred and ninety-one of the Penal Code, relating to criminal procedure.

Read first time, and referred to the Judiciary Committee.

By Mr. Baker: Senate Bill No. 481—An Act to amend section one hundred and twenty-five of the Code of Civil Procedure, relating to trials of actions.

Read first time, and referred to the Judiciary Committee.

By Mr. Carlock: Senate Bill No. 482—An Act for the better preservation of fish, by providing and maintaining fish screens at the heads of mining and irrigating ditches.

Also: Senate Bill No. 483—An Act to amend section six hundred and twenty-eight of the Penal Code, relative to the destruction of deer, antelope, elk, and other animals.

Each of the above bills read first time, and referred to the Committee on Fish and Game.

Also: Senate Bill No. 484—An Act to authorize Boards of Supervisors to issue bonds to redeem or to provide for outstanding bonds about to mature.

Read first time, and referred to the Committee on County and Town Governments.

By Mr. Moreland: Senate Bill No. 485—An Act to authorize the incorporation of individuals for the purpose of organizing a private and protective night watch force in cities of over fifteen thousand inhabitants.

Read first time, and referred to the Committee on Corporations.

By Mr. Lampson: Senate Bill No. 486—An Act to pay the claim of W. C. Guirey.

Read first time, and referred to the Committee on Claims.

By Mr. Nye: Senate Bill No. 487—An Act to amend section three thousand seven hundred and sixty-six of the Political Code, relating to publication of delinquent tax lists.

Also: Senate Bill No. 488—An Act to amend section three thousand four hundred and ten of the Political Code, relating to the payment for services rendered the State by the Registers and Receivers of the United States Land Offices.

Also: Senate Bill No. 489—An Act to amend sections three thousand four hundred and fourteen and three thousand four hundred and fifteen of the Political Code, relating to contests of the approval of surveys of public lands.

Also: Senate Bill No. 490—An Act to amend section seven hundred and ninety-three of the Civil Code, relating to actions for possession of real property in certain cases.

Also: Senate Bill No. 491—An Act to amend section seventy-eight of the Civil Code, relating to actions to determine and declare the validity of marriages in certain cases.

Also: Senate Bill No. 492—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a Trustee may be discharged from his trust.

Each of the above bills read first time, and referred to the Judiciary Committee.

By Mr. Wendell: Senate Bill No. 493—An Act to amend section four thousand and seventy of the Political Code, forbidding Supervisors to allow claims or contract debts in certain cases.

Also: Senate Bill No. 494—An Act to amend sections four thousand and twenty-four and four thousand and twenty-five, and to repeal section four thousand one hundred and eleven, of the Political Code, relating to the election and term of office of Supervisors.

Also: Senate Bill No. 495—An Act to add a new section to the Political Code, to be known as section four thousand three hundred and thirty, creating a salary fund.

Also: Senate Bill No. 496—An Act to add a new section to the Political Code, to be known as section four thousand three hundred and twenty-nine, relating to the compensation of Justices of the Peace.

Also: Senate Bill No. 497—An Act to amend section four thousand and seventy-two of the Political Code, relating to the preservation of claims against counties.

Each of the above bills read first time, and referred to the Committee on County and Township Governments.

Also: Senate Bill No. 498—An Act concerning road poll taxes.

Read first time, and referred to the Committee on Roads and Highways.

By Mr. Hittell (by request): Senate Bill No. 499—An Act to amend section one thousand two hundred and fifty-seven of the Political Code, relating to elections.

Read first time, and referred to the Committee on Elections.

By leave, Mr. Brown introduced the following report:

SENATE CHAMBER, March 15th, 1880.

MR. PRESIDENT: Your Committee on Roads and Highways beg leave to report that they have had under consideration Senate Bill No. 425—have amended the same, and report it back, recommending its passage as amended.

BROWN, Chairman.

Mr. Baker moved that Senate Bill No. 286 be taken up out of order.

Carried.

Senate Bill No. 286—An Act to confer power upon Boards of Supervisors of cities containing more than one hundred thousand inhabitants to extend and complete all main intercepting sewers heretofore partially constructed.

Mr. Enos moved to recommit the bill to the San Francisco delegation, with instructions to report the same back to-morrow morning.

Mr. Kane moved as an amendment that the bill be indefinitely postponed.

Lost.

Upon the question of reference to the San Francisco delegation, the ayes and noes were demanded by Messrs. Enos, Conger, and Kane, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, Glasecock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, and West—21.

NOES—Messrs. Baker, Burt, Brown, Cheney, Davis, Dickinson, George, Hittell, Johnson, Johnston, Neumann, Pardee, Traylor, Watson, and Zuck—15.

Carried, and reference so ordered.

By permission, Mr. Johnston called up out of order Senate Bill No. 368—An Act to add a new section to the Political Code, to be numbered three thousand four hundred and ninety-one, relative to the election of Trustees of Reclamation Districts, and their terms of office.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and the bill, as amended, ordered engrossed.

Mr. Satterwhite moved that all the special orders be placed on the general file.

Carried.

Mr. Pardee moved that Senate Bill No. 345 be taken up out of order and considered.

Lost.

GENERAL FILE.

Senate Bills Nos. 42, 102, and 214, passed on the file.

Assembly Bill No. 227—An Act authorizing the Boards of Supervisors of the counties in which water is sold for irrigation, to fix the rates at which such water shall be sold.

During the consideration of the same, Mr. Satterwhite moved that the bill be continued, and retain its place at the head of the general file.

Carried.

ADJOURNMENT.

At five o'clock and thirty-one minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 16th, 1880. }

The Senate met pursuant to adjournment,
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITIONS.

By Mr. Anderson—A petition from citizens of the State, relating to a proposed amendment to the Constitution of the State.

Referred to the Committee on Education.

By Mr. Hill—Three petitions from citizens of the State, relating to proposed amendment to the State Constitution.

Each referred to the Committee on Education.

Also, a petition from citizens of this State, requesting the passage of certain laws.

Referred to the Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

By Mr. Johnson:

SENATE CHAMBER, March 15th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 356—An Act to impose a license upon land owners—dissent from the report of the majority of said committee, and think the bill should pass.

We think the objections to the bill, to wit, that it is repugnant to section one, of article thirteen, of the Constitution, are not well founded. The bill does not levy a tax upon the land, but provides for the collection by the State of a license for the privilege of ownership of land. "State License Acts are not in violation of the Federal Constitution." (License cases, 5 Howard, 504.)

The section above referred to of the State Constitution, section one, article thirteen, "applies only to direct taxation upon property, and does not prohibit the Legislature from enacting license laws." (People vs. Naglee, 1 Cal., 232; Ex parte Cohen, 13 Nev., 426; Ex parte Robinson, 12 Nev., 263.)

"The Legislature may discriminate in the imposition of taxes on certain classes of persons and occupations." (People vs. Coleman, 4 Cal., 46.)

Therefore, we think the bill in question, not being in conflict with or repugnant to the State Constitution, should pass, because, among other good reasons for its passage, it will tend directly to break up land monopoly by making it costly.

Land monopoly has been a fruitful source of evil in the Old World, and so far in the history of California has damaged us more than any other cause.

It should, therefore, be discouraged and, if possible, eradicated, wherefore any effort tending, however slightly in that direction, should receive the support of a California Legislature.

GROVE L. JOHNSON,
JOHN S. ENOS.

Also:

SENATE CHAMBER, SACRAMENTO, March 15th, 1880.

MR. PRESIDENT: The undersigned, a minority of your Committee on Judiciary, to whom was referred Senate Bill No. 428—An Act to amend section nine hundred and eighty-seven of the Penal Code, relating to the power of the Court to appoint counsel in criminal cases—respectfully dissent from the report of the majority in their recommendation that the bill be indefinitely postponed.

The present law makes it the duty of the Court to appoint counsel to defend poor persons charged with violations of the laws, and compels attorneys so appointed to perform the services, but gives them no compensation for the labor performed. This law trespasses unjustly upon the rights of one class of citizens, and levies upon them a discriminating and, in our opinion, unconstitutional tax. The duty of defending the poor, as well as that of providing for them, and securing their rights in other respects, is a public duty, and should be borne equally by the entire community, not thrown upon a single citizen, or class of citizens. The State provides food and clothing for those not able to provide for themselves, and is under just as great obligations to guard their lives and liberty.

The profession of the lawyer, like that of the physician, or like the trade of the mechanic, is his stock in trade—his means of livelihood. The public have no more right to take his time and professional services without pay than they have to confiscate the goods of the merchant, the crops of the farmer, or the wares of the mechanic.

Society has no right to demand of any one of its members that he shall render services in the line of his private business or profession for the public without remuneration.

It is the duty of the State to provide for the defense of persons charged with crime who are not able to provide for their own defense. Although the State pays all the expenses of the prosecution, yet society at large is much more deeply interested in defending and acquitting the innocent than in convicting and punishing the guilty. So long as the law gives the Courts power to compel attorneys to defend indigent persons, it should also provide for the payment of a reasonable compensation for the services thus rendered.

GROVE L. JOHNSON,
W. W. MORELAND,
JOHN S. ENOS,
W. A. CHENEY.

Also:

SENATE CHAMBER, March 15th, 1880.

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 429—An Act to amend sections seven hundred and fifty-seven and seven hundred and fifty-eight of the Code of Civil Procedure—dissent from the majority report of said committee, and recommend that said bill do not pass, for the following reasons, to wit:

1. Said bill is repugnant to the provisions of the Constitution of this State.
2. The passage of the bill is unnecessary. The law as at present written answers all the

purposes for which this Act is intended; but more, the State Constitution, in express terms, especially provides for cases which the bill seeks to cover, by to wit, the selection of a competent attorney, who shall act as referee with all the powers and duties of a Court.

3. The bill is a case of special legislation, made to fit and apply to a particular case under the guise of a general bill.

4. The direct result of the bill would be to cause the holding of two trials in all partition suits, which is entirely unnecessary, doubling the expense to both parties litigant.

5. It permits the reopening of a partition suit, after the same has been once adjudicated, whereas legislation should rather endeavor to decrease litigation rather than increase the same.

Therefore, for the above five reasons, we think the bill bad and dangerous, and hence recommend that it do not pass.

GROVE L. JOHNSON,
JOHN S. ENOS,
W. A. CHENEY,
J. H. DICKINSON,
E. A. DAVIS.

By Mr. Hudson:

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and find correctly enrolled, Senate Bill No. 56, and that it was placed in the hands of the Governor at four o'clock and thirty minutes P. M.

HUDSON, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, March 16th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 316—An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities, now in the State Treasurer's office and not otherwise appropriated—have had the same under consideration, report back, and recommend that it pass.

Also, Senate Bill No. 443—An Act to provide for the approval and allowance of the claim of D. B. Woolf, and to appropriate money for its payment—report back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 407—An Act to empower the Board of State Harbor Commissioners to adjust, audit, and pay the claim of W. H. Martin & Company—report the same back with a substitute, and recommend the passage of the substitute.

TRAYLOR, Chairman.

President pro tem. Baker in the chair.

By Mr. Enos:

SACRAMENTO, March 16th, 1880.

MR. PRESIDENT: The undersigned, to whom was referred the petition relative to the "rights of the citizens of the United States to vote on all questions pertaining to the license and sale of intoxicating liquors shall not be denied or abridged by the State of California on account of sex," report back, and recommend that the same be referred to the Committee on Public Morals.

JNO. S. ENOS.

Reference as recommended ordered.

Also:

SENATE CHAMBER, SACRAMENTO, March 16th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 434—An Act to empower consolidated cities and counties of over one hundred thousand inhabitants to pay out of the General Fund demands for rents of Court-rooms and chambers for the Superior Courts, and of police stations, and for salaries of Janitors.

Also, Senate Bill No. 435—An Act to empower consolidated cities and counties of over one hundred thousand inhabitants to make alterations to county prisons and county jails for sanitary purposes.

Have had the same under consideration, and report back, and recommend that the same be referred to the Committee on County and Town Governments.

Also, Senate Bill No. 75—An Act to provide for regulating paid fire departments in cities of the State of California having a population of one hundred thousand or more—report back, and recommend that the author of the bill be allowed to withdraw it.

Also, Senate Bill No. 100—An Act concerning Boards of Health—report back, and recommend that the same be indefinitely postponed.

Also, Senate Bill No. 441—An Act declaring void and forfeited to the State a certain grant of marsh and tide lands made to the Western Pacific Railroad Company and the Southern Pacific Railroad Company, by the Act approved March the 18th, eighteen hundred and sixty-eight, entitled "An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California"—report back, and recommend that the same be referred to the Judiciary Committee.

Also, Senate Bill No. 105—An Act to repeal an Act entitled an Act to confer further powers

upon the Board of Supervisors of the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-eight—report back, and recommend that the author be allowed to withdraw the bill.

Also, Senate Bill No. 432—An Act to allow the appointment of an Inspector of Weights, Measures, and Merchandise, in cities and towns of one hundred thousand inhabitants and upwards—report back, and recommend that the same be indefinitely postponed.

Also, Senate Bill No. 349—An Act to provide for the conduct and management of elections and matters pertaining to elections, in cities and counties containing one hundred thousand inhabitants and upwards—report back, and recommend that the same pass.

Also, Senate Bill No. 294—An Act to provide for the organization and regulation of paid fire departments in any cities, and in cities and counties of over one hundred thousand inhabitants—report back, and recommend that the same pass.

ENOS, Chairman.

References as recommended ordered.

Senate Bill No. 75, by leave, withdrawn by the author.

By Mr. Neumann:

MR. PRESIDENT: The minority of your San Francisco delegation respectfully report that they have had Senate Bill No. 349, relating to the conduct and management of elections, etc., under consideration, and that they recommend that said bill be indefinitely postponed.

PAUL NEUMANN,
W. W. TRAYLOR,
J. H. DICKINSON,
T. H. HITTELL,

Minority of the San Francisco delegation.

Also:

MR. PRESIDENT: A minority of the San Francisco delegation beg leave to report that they have had Senate Bill No. 294—An Act to provide for the organization and regulation of paid fire departments in any cities, and cities and counties, of over one hundred thousand inhabitants—under consideration, and recommend that it be indefinitely postponed.

PAUL NEUMANN,
J. H. DICKINSON,
T. H. HITTELL,
W. W. TRAYLOR.

By Mr. Pardee (for Mr. Dickinson):

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Joint Resolution No. 6—Relative to procuring Congressional aid for the improvement of Petaluma Creek—have considered the same, and report the same back, and recommend its passage.

DICKINSON, Chairman.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, March 16th, 1880.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 320, have had the same under consideration, and report it back to the Senate without recommendation.

JOHNSTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 16th, 1880.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 337, have had the same under consideration, and report it back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

By Mr. Gorman:

SENATE CHAMBER, SACRAMENTO, March 16th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 286—An Act to confer power upon Boards of Supervisors of cities containing more than one hundred thousand inhabitants, to extend and complete all main intercepting sewers heretofore partially constructed—have had the same under consideration, and the undersigned report back and recommend that it do not pass, for the following reasons, viz.:

First—That the same is in conflict with the seventh subdivision of section twenty-five, article four of the Constitution.

Second—That the spirit of the Constitution is against all interference with local laws, and that this bill is directly interfering with a local affair of San Francisco.

Third—That San Francisco has full powers to do all necessary work pertaining to said city.

Fourth—That this bill is designed to take away the rights of said city.

J. C. GORMAN,
MARTIN KELLY,
C. C. CONGER,
THOS. KANE,
T. K. NELSON.

By Mr. Cheney:

MR. PRESIDENT: Your Committee on Engrossment report back, as correctly engrossed, with amendments, Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners.

CHENEY, Chairman.

Also:

SENATE CHAMBER, March 15th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: No. 144—An Act to amend section three hundred and fifty-nine of the Civil Code, providing for increase of the capital stock of corporations.

CHENEY, Chairman.

By Mr. Brown:

March 16th, 1880.

MR. PRESIDENT: The Committee on Roads and Highways have had under consideration Senate Bill No. 404, and report the same back with amendments, and recommend its passage as amended.

BROWN, Chairman.

RESOLUTION.

Mr. Traylor, by leave, introduced the following resolution:

Resolved, That the Clerk of the Committee on Claims be and he is hereby allowed the sum of five dollars per day, from the twenty-first day of January, eighteen hundred and eighty, said sum being payable out of appropriation for the contingent expenses of the Senate, and said committee is hereby authorized to continue the services of such Clerk, at such per diem, payable out of said appropriation, until the Chairman of said committee sees fit to dispense with his services.

Read, and referred to the Committee on Contingent Expenses and Mileage.

By Mr. Rowell:

March 16th, 1880.

MR. PRESIDENT: Your Committee on Hospitals herewith report back to the Senate Senate Bill No. 284, with a substitute for the same, and recommend its passage.

ROWELL, Chairman.

Mr. Johnson moved to take from the table the report of the Committee on Elections on the matter of the contest of election of Burns vs. Desty.

Upon which the ayes and noes were demanded by Messrs. Johnston, Enos, and Brown, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—25.

NOES—Messrs. Chase, Conger, Enos, Glasecock, Gorman, Harlan, Kane, Kelly, Langford, Nelson, Pool, Ryan, Satterwhite, and West—14.

Lost.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 15th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 108—An Act granting relief to taxpayers whose lands have been sold to the State.

GEORGE C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 12th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 31—An Act to amend sections one thousand three hundred and thirty-eight and one thousand three hundred and fifty-three of the Penal Code, providing for the examination of witnesses.

Also, Senate Bill No. 35—An Act to amend section one thousand and twenty-nine of the Penal Code, relating to prosecutions of Judges of the Superior Court.

Also, Senate Bill No. 36—An Act to repeal sections one thousand and twenty-eight, one thousand and thirty, one thousand one hundred and twelve, and one thousand one hundred and forty-three, of the Penal Code, relating to judicial proceedings in criminal cases.

Also, Senate Bill No. 37—An Act to amend section eight hundred and eight of the Penal Code, declaring who are Magistrates.

Also, Senate Bill No. 57—An Act in relation to the currency of the United States.

Also, Senate Bill No. 143—An Act to repeal an Act entitled "An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco, approved March twenty-seventh, eighteen hundred and seventy-six."

Also, Senate Bill No. 180—An Act to amend section two thousand eight hundred and fourteen of the Political Code, concerning public highways.

Also, Senate Bill No. 277—An Act to amend section four of an Act entitled "An Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes," approved March twentieth, eighteen hundred and seventy-eight.

GEORGE C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 12th, 1880. }

To the Senate of the State of California:

I have this day appointed as members of the State Board of Health: F. W. Hatch, of Sacramento, vice self, term expired; M. M. Granniss, of Tulare, vice Cameron, term expired, and respectfully ask the consent of your honorable body thereto.

GEORGE C. PERKINS, Governor.

Mr. Traylor moved that the confirmation of the Governor's appointments as members of the State Board of Health be made the special order for to-morrow, at ten o'clock and thirty minutes A. M.

Carried.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 15th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March eleventh and twelfth, eighteen hundred and eighty, concurred in the Senate amendments to Assembly Bill No. 404—An Act to amend sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, three thousand six hundred and thirty, three thousand six hundred and thirty-four, three thousand six hundred and forty, three thousand six hundred and forty-three, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-two, three thousand six hundred and sixty-three, three thousand six hundred and seventy-three, three thousand six hundred and seventy-eight, three thousand six hundred and seventy-nine, three thousand seven hundred and seventeen, three thousand seven hundred and thirty, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand eight hundred and thirty-nine, and three thousand eight hundred and sixty-one, and to repeal sections three thousand six hundred and eighty and three thousand six hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue, and to add two new sections, numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five.

Also, that the Assembly, on March ninth, eighteen hundred and eighty, amended, and on March twelfth, eighteen hundred and eighty, passed, as amended, Senate Bill No. 32—An Act to amend sections seven hundred and twelve, seven hundred and twenty-eight, seven hundred and thirty-two, seven hundred and sixty, seven hundred and seventy-one, seven hundred and seventy-two, eight hundred and eighteen, eight hundred and twenty, eight hundred and fifty, eight hundred and ninety, nine hundred and thirty-five, one thousand one hundred and ninety-seven, one thousand three hundred and thirty, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand five hundred and fifteen, one thousand five hundred and sixteen, and one thousand five hundred and fifty-six, of the Penal Code, providing for certain proceedings before the Superior Courts, or the Judges thereof.

Also, that the Assembly, on March thirteenth, eighteen hundred and eighty, considered Senate message of March twelfth, eighteen hundred and eighty, requesting a Committee of Conference upon certain of the Assembly amendments to Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice, and the various officers connected therewith.

That as yet there is no disagreement between the Senate and Assembly upon any of said amendments to said bill, inasmuch as the Assembly has not yet considered whether it will recede from those certain Assembly amendments in which the Senate refuse to concur. The Assembly asks that said Senate Bill No. 118 be returned to the Assembly, in order that the Assembly may decide whether it will recede from, or adhere to, Assembly amendments one, two, five, ten, eleven, fourteen, fifteen, sixteen, seventeen, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-five, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two, forty-four, forty-five, fifty-one, fifty-two, and fifty-four, before the appointment of a Committee of Conference upon the same.

Also, that on March tenth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 136—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of California, defining common carriers.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 32, above reported, referred to the Judiciary Committee.

Senate Bill No. 136, above reported, read first time, and referred to the Committee on Corporations.

INTRODUCTION OF BILLS.

By Mr. Wendell: Senate Bill No. 500—An Act to provide for the future management of the Insane Asylums of the State.

Read first time, and referred to the Committee on Public Buildings.

By Mr. Brown: Senate Bill No. 501—An Act to provide for the irrigation, drainage, and debris investigation.

Read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

By Mr. Nye: Senate Bill No. 502—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors.

Read first time, and referred to the Committee on Judiciary.

By Mr. Sears (by request): Senate Bill No. 503—An Act to authorize Tax Collectors, attorneys, and all other persons, charged with the collection of State, county, or municipal delinquent taxes, to rebate, under certain conditions, the interest therein accrued.

Read first time, and referred to the Judiciary Committee.

Mr. Enos moved a call of the Senate.

Upon which the ayes and noes were demanded by Messrs. Glascock, Enos, and Anderson, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Moreland, Nelson, Pardee, Pool, Rowell, Satterwhite, Wendell, and West—20.

NOES—Messrs. Baker, Brown, Chase, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Sears, Traylor, and Watson—15.

Carried.

Mr. Brown moved that further proceedings under the call be dispensed with.

Carried.

SECOND READING.

Assembly Bill No. 75—An Act entitled an Act to limit and regulate the sale of mining and other stocks.

RECESS.

During the consideration of the same, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. West moved that the special order for one o'clock and thirty minutes p. m. be temporarily postponed, and that Assembly Bill No. 75 be now taken up and continued until disposed of.

Carried.

Consideration of Assembly Bill No. 75 continued.

Senate considered as in Committee of the Whole.

Mr. Johnson moved that the Committee of the Whole rise and report the bill back to the Senate, and recommend its indefinite postponement.

Carried.

In Senate.

Mr. Johnson moved to postpone the further consideration of the bill until the thirteenth day of April, at two o'clock p. m.

Upon which the ayes and noes were demanded by Messrs. Johnson, Satterwhite, and Sears, with the following result:

AYES—Messrs. Baker, Brown, Hittell, Johnson, Kane, Neumann, Pardee, Traylor, and Watson—9.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Wendell, West, and Zuck—30.

Lost.

Amendments to section one concurred in.

The following committee amendments were considered as follows:

Insert in section three, line three, after the word "their," the word "local."

Adopted.

Also, amend section three, line three, by inserting after the word "hour" the words "and other customers within a reasonable time."

Adopted.

Also, strike out, in section three, line eleven, all after the word "price," and insert the following, "the average purchase or sale price of all the purchases or sales on unlimited orders of the same stock made by such broker at the same session of the Board."

Adopted.

Also, insert in section four, line four, after the word "customer," the words "without the knowledge or consent of such customer, or without giving him due notice."

Upon the adoption of the amendment the ayes and noes were demanded by Messrs. Johnson, Satterwhite, and Enos, with the following result:

AYES—Messrs. Baker, Brown, Cheney, Davis, Dickinson, George, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, and Zuck—21.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Enos, Glascock, Gorman, Hill, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, and West—18.

Amendment adopted.

Mr. Satterwhite moved to indefinitely postpone the bill.

Carried.

ADJOURNMENT.

At five o'clock and fourteen minutes P. M., on motion of Mr. Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, March 17th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Johnson moved that the report of the Committee on Elections, in the matter of the contest of Byrnes *vs.* Desty, be taken from the table.

Carried.

REPORT OF THE COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 5th, 1880.

MR. PRESIDENT: The Committee on Elections report that Robert Desty is not entitled to the seat in this Senate claimed by him, for the reason that he never became a citizen of the United States until February twenty-fourth, eighteen hundred and eighty.

NEUMANN, Chairman.

Mr. Johnson moved that the report be adopted, and that the seat be declared vacant.

Upon which the ayes and noes were demanded by Messrs. Enos, Chase, and Sears, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—38.

NOES—None.

The motion prevailed.

Mr. Johnson moved that the Senate now take up the resolution as hereinbefore introduced by him, relating to the holding of night sessions.

Carried.

Mr. Johnson moved the adoption of the resolution.

Carried.

NOTICE.

Mr. Sears gave notice that, to-morrow, he would move an amendment to the rules, limiting members in debate to ten minutes on any one speech.

PETITIONS.

By Mr. Chase—A petition from the Temperance Colony of Lompoc, Santa Barbara County, asking that certain legislation be had relating to the sale of liquors.

Read, and referred to the Committee on County and Town Governments.

By Mr. Enos—A petition from actual owners of land to be affected by the passage of Senate Bill No. 167, asking that said bill do not pass.

Referred to the San Francisco delegation.

Mr. Traylor moved that Senate Bill No. 362 be made the special order for to-morrow morning, immediately after the reading of the Journal, and that the same be continued until disposed of.

Carried.

REPORTS OF STANDING COMMITTEES.

By Mr. Davis:

SENATE CHAMBER, March 17th, 1880.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 384—An Act to establish free public libraries and reading rooms—have had the same under consideration, and report it back, and recommend its passage as amended.

Also, Assembly Bill No. 384—An Act to amend an Act entitled "An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, in the State of California," approved January ninth, eighteen hundred and seventy-four—and recommend its passage.

Also, Assembly Bill No. 143—An Act to amend an Act entitled "An Act relating to apprentices and masters," approved April third, eighteen hundred and seventy-six—and recommend its passage.

DAVIS, Chairman.

By Mr. Hittell:

SENATE CHAMBER, March 16th, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Senate Bill No. 456—An Act to repeal an Act entitled an Act to amend an Act to incorporate the City of Santa Barbara, approved March thirtieth, eighteen hundred and seventy-eight—

beg leave to report that they have had the same under consideration. The object of the bill seems to have been to repeal an amendment to section three of the charter of Santa Barbara, under the supposition that such repeal would restore the section as it originally stood. As such repeal, however, would not restore the original section, but on the contrary would entirely destroy the Common Council of the city, it is plain that the bill should either be withdrawn by the author or indefinitely postponed by the Senate, and the committee so recommend.

HITTELL, Chairman.

By leave, Senate Bill No. 456 was withdrawn by the author.
By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, March 17th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 266—An Act to amend section six hundred and eleven of the Civil Code, relating to cemetery corporations—have had the same under consideration, and report the same back to the Senate without amendment, and recommend its passage.

Also, Senate Bill No. 377—An Act to amend section six hundred and sixteen of the Political Code, in relation to foreign insurance corporations—and report the same back, and recommend its passage.

SEARS, Chairman.

By Mr. Pardee:

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 427—An Act to authorize Boards of Supervisors to pay the expenses of *posse comitatus* in criminal cases—beg leave to report that they have had the same under consideration, and recommend its passage.

PARDEE, Chairman.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, March 17th, 1880.

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 377—An Act to empower the Directors of Levee District Number One, of Sutter County, to issue bonds for the payment or funding of the unfunded indebtedness of said levee district, and to provide for the redemption of such bonds, by taxing the property in the district—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 17th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 440—An Act to repeal an Act entitled an Act to provide for a drainage district of the County of Yolo, approved March twenty-eighth, eighteen hundred and sixty-eight—report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 15th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 475, have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

JOHNSTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 17th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 445—An Act to add a new section to the Political Code, to be known as section three thousand four hundred and ninety-one, relating to individual reclamation of swamp lands in certain cases—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 17th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 472—An Act to amend section three thousand four hundred and forty-six of the Political Code—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

Mr. Lampson moved that the Senate take up, out of order, Senate Bill No. 475.

Carried.

Senate Bill No. 475—An Act to provide for the management of Yosemite Valley, and the Mariposa Big Tree Grove.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

By Mr. Dickinson:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bills No. 66—An Act concerning the Board of State Harbor Commissioners.

No. 166—An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

No. 446—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the Port of San Francisco.

And No. 374—An Act to provide for the further extension of the water front line of the City and County of San Francisco, and the construction of the sea-wall.

Have had the same under consideration, and report the same back to the Senate, and recommend as follows: That No. 66 do not pass; that No. 166 be indefinitely postponed; that No. 446 be indefinitely postponed; and that No. 374 be amended by striking out the words "and directed," in the tenth line of the printed bill, and that the same pass as amended.

DICKINSON, Chairman.

By Mr. Cheney:

SENATE CHAMBER, March 16th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: No. 399—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-five, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-one, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and sixteen, one thousand six hundred and seventeen, one thousand six hundred and nineteen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and twenty-four, one thousand six hundred and sixty-two, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand six hundred and ninety-six, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and fifteen, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-four, and to repeal sections one thousand six hundred and fifty-two, one thousand six hundred and sixty-nine, one thousand six hundred and seventy, one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, one thousand seven hundred and forty-six, one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, one thousand seven hundred and fifty-two, one thousand seven hundred and fifty-three, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and seventy-seven, one thousand seven hundred and ninety-three, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight, one thousand

eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, and one thousand eight hundred and seventy-two, of the Political Code, and to add five new sections thereto, to be known as sections one thousand five hundred and sixty-five, one thousand five hundred and eighty-three, one thousand seven hundred and three, one thousand seven hundred and four, and one thousand eight hundred and seventy-nine.

CHENEY, Chairman.

Also:

SENATE CHAMBER, March 17th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: No. 368—An Act to add a new section to the Political Code, to be numbered three thousand four hundred and ninety-one, relative to the election of Trustees of reclamation districts, and their terms of office.

CHENEY, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 17th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 20—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county issued to the Big Tree and Carson Valley Turnpike Company, which became due on about the eighth day of August, eighteen hundred and seventy-eight, and to provide for the payment of the same—have had the same under consideration, and report the same back, and recommend that it be referred to the Committee on County and Township Governments.

Also, Senate Bill No. 457—An Act to amend section three thousand three hundred and eighty-four of the Political Code—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 470—An Act to amend section one thousand two hundred and six of the Code of Civil Procedure of the State of California, concerning liens for salaries and wages—and report the same back, and recommend that it be indefinitely postponed.

NYE, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 15th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 56—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court, and to make an appropriation for their salaries.

GEORGE C. PERKINS, Governor.

SPECIAL ORDER FOR TEN O'CLOCK AND THIRTY MINUTES A. M.—CONFIRMATION OF GOVERNOR'S APPOINTMENTS.

Upon the question, "Will the Senate advise and consent to the appointment of F. W. Hatch, vice self, term expired, as a member of the State Board of Health?" the roll was called with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lamson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Taylor, Watson, Wendell, West, and Zuck—34.

NOES—None.

Whereupon the President announced that the appointment of F. W. Hatch, as a member of the State Board of Health, was unanimously confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of M. M. Grannis, vice Cameron, term expired, as a member of the State Board of Health?" the roll was called with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—None.

Whereupon the President announced that the appointment of M. M. Grannis, as a member of the State Board of Health, was unanimously confirmed.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, March 16th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 286—An Act to confer power upon Boards of Supervisors of cities containing more than one hundred thousand inhabitants, to extend and complete all main intercepting sewers heretofore partially constructed—have had the same under consideration, and the undersigned report back, and recommend its passage.

JNO. S. ENOS,
PAUL NEUMANN,
THEODORE H. HITTELL,
W. W. TRAYLOR.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 16th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twelfth, eighteen hundred and eighty, amended, and on March sixteenth, eighteen hundred and eighty, passed Senate Bill No. 296—An Act to appropriate money for the support of orphans, half orphans, and abandoned children.

Also, that on March sixteenth, eighteen hundred and eighty, the Assembly considered Senate message of March fifteenth, eighteen hundred and eighty, requesting the Assembly to recede from Assembly amendments numbers one, two, five, ten, eleven, fourteen, fifteen, sixteen, seventeen, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two, forty-four, forty-five, fifty-one, fifty-two, and fifty-four, to Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice, and the various officers connected therewith.

The Assembly receded from Assembly amendment number one to said bill, and refused to recede from Assembly amendments numbers two, five, ten, eleven, fourteen, fifteen, sixteen, seventeen, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two, forty-four, forty-five, fifty-one, fifty-two, and fifty-four, and requests a conference upon the same. The Speaker appointed to act, on the part of the Assembly, upon a conference committee, Assemblymen Fox, Merry, and Tyler.

Also, that on March sixteenth, eighteen hundred and eighty, the Assembly considered Senate message of March fifteenth, eighteen hundred and eighty, requesting the Assembly to recede from its amendments to Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions.

Senate Bill No. 141—An Act to amend chapter two, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapter two, and to substitute a new chapter two to take the place thereof in said Code, relating to appeals in civil actions.

Senate Bill No. 158—An Act to amend sections eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Senate Bill No. 175—An Act to amend sections thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-

three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and one, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight, of the Code of Civil Procedure, relating to guardians and wards.

The Assembly refused to recede from all of its amendments to each of said bills, and requests a conference upon the same. The Speaker appointed to act, on the part of the Assembly, upon a conference committee upon the Assembly amendments to each and all of said bills, Assemblymen Fox, Merry, and Tyler.

J. M. WRIGHT, Assistant Clerk.

Mr. Hittell moved that the Chair appoint a conference committee to confer with the committee appointed by the Assembly in regard to Senate Bills Nos. 118, 112, 141, 158, and 175.

Carried.

INTRODUCTION OF BILLS.

By Mr. Hittell: Senate Bill No. 504—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Read first time, and referred to the Judiciary Committee.

By Mr. Gorman: Senate Bill No. 505—An Act to add a new section to the Code of Civil Procedure, relative to the publication of notices, to be known as section one thousand and sixty.

Read first time, and referred to the Judiciary Committee.

By Mr. Johnson: Senate Bill No. 506—An Act to amend section five hundred and twenty-eight of the Political Code.

Read first time, and referred to the Judiciary Committee.

By Mr. Brown: Senate Bill No. 507—An Act amendatory of and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight, and of the Act amendatory thereof, approved January twenty-sixth, eighteen hundred and seventy-four.

Read first time, and referred to the Judiciary Committee.

By Mr. Pardee: Senate Bill No. 508—An Act to authorize the practice of medicine in the State of California.

Read first time, and referred to the Committee on Hospitals.

Also: Senate Bill No. 509—An Act for the importation and protection of song and game birds.

Read first time, and referred to the Committee on Fish and Game.

By Mr. Ryan: Senate Bill No. 510—An Act to refund certain money to the County of Mendocino.

Read first time, and referred to the Committee on Finance.

By Mr. Rowell (by request): Senate Bill No. 511—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relative to writs of prohibition.

Read first time, and referred to the Judiciary Committee.

GENERAL FILE.

Senate Bill No. 63, passed on the file.

Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of stock thereof, and electing other officers.

Substitute read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 258, on motion of Mr. Nye, was indefinitely postponed.

Senate Bill No. 156—An Act to regulate the practice of medicine in the State of California, and defining who are legal physicians and surgeons.

Mr. Gorman moved to indefinitely postpone the bill.

On motion of Mr. Gorman the further consideration of the bill was continued, and made the special order for one o'clock and thirty minutes P. M.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, T aylor, Watson, Wendell, West, and Zuck.

Quorum present.

SPECIAL ORDER.

Consideration of Senate Bill No. 156.

By Mr. Johnson:

MR. PRESIDENT: I move to commit the bill to the Judiciary Committee, with instructions to prepare a substitute in the nature of an amendment to chapter five hundred and seventy-six, of the statutes of eighteen hundred and seventy-seven-eight, page nine hundred and eighteen, and the Act to which said chapter is amendatory, and to provide in said substitute:

First—For a definition of the term "unprofessional conduct."

Second—For an appeal from the action of any State Board of Examiners or Society, in revoking or refusing to issue a certificate for "unprofessional conduct."

Third—Requiring applicants to have good moral character.

Fourth—Permitting applicants rejected, or whose certificates have been revoked heretofore, to make new application and have the appeal.

Carried.

Senate Concurrent Resolution No. 15, passed on the file.

Consideration of motion of Senator Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204, passed on the file.

The Chair, pursuant to motion of Mr. Hittell, appointed Messrs. Hittell, Wendell, and Johnson, to act as a Conference Committee with a like committee appointed by the Assembly, in relation to Assembly amendments to Senate Bills Nos. 118, 112, 141, 158, and 175.

Consideration of motion of Senator Ryan to reconsider indefinite postponement, February twenty-fifth, of Assembly Bill No. 30.

Upon the question of reconsideration, the ayes and noes were demanded by Messrs. Ryan, Chase, and Johnson, with the following result:

AYES—Messrs. Anderson, Burt, Cheney, Enos, George, Hill, Hudson, Johnson, Johnston, Kane, Lampson, Rowell, Ryan, Sears, Traylor, Wendell, West, and Zuck—18.

NOES—Messrs. Baker, Chase, Conger, Davis, Dickinson, Glasecock, Gorman, Harlan, Hittell, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Satterwhite, and Watson—17.

Motion to reconsider carried.

Mr. Johnson now moved to recommit Assembly Bill No. 30 to the Judiciary Committee.

Carried.

Mr. Dickinson moved that the rules be suspended, and that Assembly Bill No. 405 be taken up out of its order.

Upon which the ayes and noes were demanded by Messrs. Enos, Dickinson, and George, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glasecock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Wendell, and West—29.

NOES—Messrs. Baker, George, Hill, Moreland, Watson, and Zuck—6.

Carried.

Assembly Bill No. 405—An Act to promote emigration from the State of California.

Read second time.

Mr. Enos moved to place the bill at the head of the general file for third reading.

Carried.

Mr. Watson moved that Assembly Bill No. 320 be taken up out of order.

Lost.

Senate Bill No. 263—An Act to add two new sections to the Penal Code, to be numbered four hundred and four hundred and one, relative to the keeping or sale of animals afflicted with glanders or other contagious or infectious diseases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—34.

NOES—None.

Title read and approved.

Senate Bill No. 307—An Act to amend section three hundred and thirty-two of the Penal Code, in relation to swindling by cards or other means.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—31.

NOES—Mr. Nelson—1.

Title read and approved.

Senate Bill No. 274—An Act to reimburse the Support Fund of the Deaf, Dumb, and Blind Asylum.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—34.

NOES—Mr. Moreland—1.

Title read and approved.

Senate Bill No. 209—An Act to empower Justices of the Peace to hold inquests concerning fires.

Mr. Hittell moved to recommit the bill to the Judiciary Committee, with instructions to amend by adding to section one, line five, of printed bill, after the word "occurred," the words, "setting forth that, to the best of their information and belief, such property, so destroyed or damaged (as the case may be), was willfully set on fire, and verified by one or more of them."

Carried.

Senate Bill No. 255—An Act to enable the swamp land or reclamation districts of this State to fund indebtedness, and to provide for the payment of indebtedness so funded.

Mr. Glascock moved to recommit to author, with instructions to amend by striking out, from line eight, section three, printed bill, the words "an aliquot part of," and inserting after the word "demand," in line nine, the following, "and shall specify the tract of land upon which the bond is a lien, and contain a description of the same by legal subdivision, a swamp land survey, or definite boundaries."

Upon which the ayes and noes were demanded by Messrs. Glascock, Conger, and Chase, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Enos, George, Glascock, Gorman, Harlan, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Wendell, West, and Zuck—23.

NOES—Messrs. Baker, Burt, Brown, Conger, Davis, Dickinson, Hill, Hittell, Johnson, Johnston, Lampson, and Traylor—12.

Carried.

On motion of Mr. Pardee, Senator Dickinson was excused from voting on the question of recommitting Senate Bill No. 255.

Mr. Sears moved that when the Senate adjourn, it do adjourn to meet to-morrow morning at ten o'clock.

Lost.

Senate Bill No. 121—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Oakland,' passed March twenty-sixth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city," approved April twenty-fourth, eighteen hundred and sixty-two.

Indefinitely postponed on motion of Mr. Satterwhite.

Senate Bills Nos. 91 and 187, passed on the file.

Senate Bills Nos. 42, 102, and 214, passed to the foot of the file.

Assembly Bill No. 227—An Act authorizing the Boards of Supervisors of the counties in which water is sold for irrigation, to fix the rates at which such water shall be sold.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered on the general file for third reading.

Senate Bill No. 260—An Act to repeal section one thousand four hundred and twenty-two of the Civil Code.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Senate Bill No. 259—An Act to regulate the cleansing of streets in cities and towns of the State of California.

Mr. Hittell moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Conger, Pardee, and Satterwhite, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Langford, Nelson, Nye, Pardee, Pool, Rowell, Sears, Traylor, Wendell, West, and Zuck—25.

NOES—Messrs. Baker, Chase, Cheney, Conger, George, Johnson, Johnston, Kane, Moreland, Ryan, and Satterwhite—11.

Carried.

Mr. Johnston moved that Senate Bill No. 195 be recommitted to the Committee on Swamp and Overflowed Lands.

Carried.

RECESS.

At five o'clock and five minutes P. M., on motion of Mr. Satterwhite, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

GENERAL FILE.

Senate Concurrent Resolution No. 15, on motion of Mr. Johnson, was postponed until Friday evening, March twenty-seventh, at seven o'clock and thirty minutes P. M.

Senate Bill No. 268—An Act providing for appeals from orders forming reclamation or swamp land districts setting off lands from such districts or consolidating districts.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Johnson, Johnston, Kelly, Nye, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, and West—23.

NOES—None.

Title read and approved.

Senate Bill No. 313—An Act to provide for the management and control of the State Agricultural Society by the State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Pardee, Rowell, Ryan, Sears, Traylor, West, and Zuck—27.

NOES—Messrs. Glascock, Moreland, Nye, and Satterwhite—4.

Title read and approved.

Senate Bill No. 329, passed on the file.

Senate Bill No. 58—An Act to restrict and limit titles to real estate.

Read third time, and passed by the following vote:

AYES—Messrs. Carlock, Chase, Cheney, Conger, Davis, Enos, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Ryan, Satterwhite, Sears, Watson, West, and Zuck—22.

NOES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, George, Glascock, Harlan, Langford, Moreland, Nye, Pardee, Pool, Rowell, Traylor, and Wendell—16.

Title read and approved.

Mr. Hittell changed his vote from no to aye, and gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 58 was passed.

Senate Concurrent Resolution No. 24—Relative to proposed amendment to the Constitution allowing women to vote.

Mr. Enos moved that the resolution be made the special order for next Friday evening at seven o'clock and thirty minutes.

Lost.

Senate Bill No. 399, on motion of Mr. Davis, was ordered recommitted to the Committee on Engrossment, with instruction to amend by adding a new section, to be known as section sixty-one:

SECTION 61. This Act shall take effect immediately.

Mr. Brown moved to indefinitely postpone Senate Concurrent Resolution No. 24.

Upon which the ayes and noes were demanded by Messrs. Enos, Brown, and Chase, with the following result:

AYES—Messrs. Brown, Carlock, Dickinson, Lampson, Langford, Moreland, Pardee, Pool, Satterwhite, Traylor, and Watson—11.

NOES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Nye, Rowell, Ryan, Sears, West, and Zuck—25.

Lost.

Resolution read third time.

Mr. Traylor moved that the resolution be passed on the file.

Carried.

Senate Bill No. 144, passed on the file.

ADJOURNMENT.

At nine o'clock and twenty-five minutes P. M., on motion of Mr. Traylor, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, March 18th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

Pursuant to notice, given yesterday, Mr. Sears now moved to amend Rule Twenty-three so as to read as follows:

RULE TWENTY-THREE.

Every Senator when he speaks shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice, *not more than ten minutes at any one time*, in any one debate on the same day and at the same stage of the bill, without leave: and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken. This rule shall apply to the Committee of the Whole as well as the Senate.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Johnson, Sears, and Enos, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Glascock, Harlan, Hittell, Hudson, Johnston, Kane, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Sears, West, and Zuck—26.

NOES—Messrs. Conger, Enos, George, Gorman, Johnson, Kelly, Satterwhite, Traylor, and Wendell—9.

Amendment adopted.

Mr. Carlock moved that the special order for immediately after the reading of the Journal be passed temporarily, and that Senate Bill No. 424 be taken up out of order.

Carried.

Senate Bill No. 424—An Act to authorize the Board of Trustees of School Districts to issue bonds to raise money for building purposes, and to provide for the payment of such bonds.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

SPECIAL ORDERS AFTER READING JOURNAL.

Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of this State.

Mr. Enos moved to indefinitely postpone the bill.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Ryan, Satterwhite, Sears, Traylor, Wendell, West, and Zuck.

Quorum present.

Consideration of Senate Bill No. 362 continued.

Pursuant to notice, given yesterday, Mr. Hittell now moved a reconsideration of the vote whereby Senate Bill No. 58 was passed.

On motion of Mr. Johnson, the motion to reconsider was made the special order for to-morrow, at three o'clock P. M.

Upon the question of indefinite postponement of Senate Bill No. 362, the ayes and noes were demanded by Messrs. Enos, Neumann, and Johnson, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glasecock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—18.

NOES—Messrs. Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—20.

Lost.

At four o'clock and fifty-five minutes P. M. Mr. Enos moved to adjourn.

Mr. Johnson moved, as an amendment, that the Senate take a recess until seven o'clock and thirty minutes P. M.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Wendell, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Chase, Dickinson, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Neumann, Nye, Rowell, Sears, Traylor, and Zuck—17.

NOES—Messrs. Anderson, Burt, Cheney, Conger, Davis, Enos, George, Glasecock, Gorman, Harlan, Hill, Kane, Kelly, Moreland, Nelson, Pardee, Pool, Ryan, Satterwhite, Watson, Wendell, and West—22.

Amendment lost.

ADJOURNMENT.

The question now recurred upon the motion to adjourn, which motion prevailed.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 19th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

SPECIAL ORDERS.

Senate Bill No. 362—An Act to provide for the organization, incorporation and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of this State.

Mr. Conger moved to strike out the enacting clause.

Upon which the ayes and noes were demanded by Messrs. Conger, Kane, and Kelly, with the following result:

AYES—Messrs. Conger, Gorman, Kane, Kelly, Nelson, and Satterwhite—6.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

Lost.

On motion of Mr. Pardee, Senate Bill No. 439 was taken up out of order.

Senate Bill No. 439—An Act to form agricultural districts, and to provide for the organization of Agricultural Associations therein, and for the management and control of the same by the State.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

By permission, Mr. Zuck introduced the following report:

SENATE CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following resolution, viz.:

Resolved, That the Clerk of the Committee on Claims be and he is hereby allowed the sum of five (\$5 00) dollars per day, from the twenty-first day of January, eighteen hundred and eighty, said sum being payable out of the appropriation for the contingent expenses of the Senate, and said committee is hereby authorized to continue the services of such Clerk, at such per diem, payable out of said appropriation, until the Chairman of said committee sees fit to dispense with his services.

Have had the same under consideration, report back, and recommend that the amount of per diem be changed from five dollars to two dollars, and that the resolution be adopted as amended.

Also recommend the adoption of the following resolution :

Resolved, That the members of the Committee on Irrigation, Water Rights, and Drainage, and the Clerk, be allowed the amounts set opposite to their respective names for mileage, as shown in the following statement, said amounts to be paid out of the appropriation for the contingent expenses of the Senate :

Senator Rowell.....	\$20 40
Senator Cheney.....	20 40
Senator Watson.....	20 40
Senator Neumann.....	20 40
Senator Pool.....	20 40
Senator Moreland.....	20 40
Senator Davis.....	10 40
Senator Satterwhite.....	10 40
Senator Hittell.....	20 40
Clerk W. G. Burke.....	20 40

Also recommend the adoption of the following resolution :

Resolved, That the members of the Committee on Public Buildings be allowed the amounts set opposite to their respective names for mileage, as shown in the following statement, said amounts to be paid out of the appropriation for the contingent expenses of the Senate :

Senator Johnston.....	\$12 70
Senator Hill.....	46 00
Senator Harlan.....	46 00
Senator Kelly.....	46 00
Senator Hudson.....	46 00
Senator Baker.....	46 00

Also recommend the adoption of the following resolution :

Resolved, that Wm. Cook, John Lee, John W. Taylor, G. Griffiths, and A. Wasson, be and they are hereby allowed the amounts set opposite to their names, viz. :

Wm. Cook.....	\$4 70
John Lee.....	2 00
John W. Taylor.....	18 80
G. Griffiths.....	5 00
A. Wasson.....	43 50

Said sums being due said Wasson for fees and expenses in subpoenaing said Cook, Lee, Taylor, and Griffiths, in matters before the State Prison Committee, and fees and mileage due said Cook, Lee, Taylor, and Griffiths, in the same matters, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

ZUCK, Chairman.

Report, on motion of Mr. Zuck, adopted.

Mr. Satterwhite moved that the special order be temporarily passed, and that the Standing Committees be allowed to report.

Carried.

By Mr. Hittell:

SENATE CHAMBER, March 18th, 1880.

MR. PRESIDENT: The Committee on Conference, to whom was referred Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing actions—beg leave to report, and recommend that the Senate concur in the Assembly amendments to said bill.

Also, Senate Bill No. 141—An Act to amend chapters two and three of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three, to take the place thereof in said Code, relating to appeals in civil actions—beg leave to report, and recommend that the Assembly recede from their amendments to said bill.

Also, Senate Bill No. 158—An Act to amend sections eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceedings in Justices' Courts—beg leave to report, and recommend that the Senate concur in Assembly amendment number one, and that the Assembly recede from its amendment number two.

THEODORE H. HITTELL,
GROVE L. JOHNSON,
J. F. WENDELL,
Senate Committee.

CHAS. N. FOX,
T. H. MERRY,
GEO. W. TYLER,
Assembly Committee.

Upon the adoption of the report of the Conference Committee in relation to Senate Bill No. 112, the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—None.

Report adopted.

Upon the adoption of the report of the Conference Committee in relation to Senate Bill No. 158, the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—None.

Report adopted.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 99—An Act to amend sections five hundred and ninety-six and six hundred and thirty-three of the Political Code, relating to life insurance—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Bill No. 100—An Act to amend "An Act to provide for the incorporation of mutual insurance companies for the insurance of life and health and against accidents," approved April second, eighteen hundred and sixty-six—and report the same back, and recommend its passage.

Also, Assembly Bill No. 109—An Act permitting and authorizing railway and other corporations, organized under the laws of any State or Territory of the United States of America, or any Act of Congress of the United States of America, to do business in this State on the same terms as railway corporations organized under the laws of this State—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 373—An Act to amend sections three hundred and twenty-four, three thousand and eighty-seven, three thousand and ninety-one, three thousand and ninety-three, and three thousand and ninety-five, of the Civil Code of the State of California—and report the same back, and recommend its passage.

Also, Assembly Bill No. 28—An Act to amend an Act entitled "An Act to amend section two hundred and ninety-nine of the Civil Code of California," approved March twenty-second, A. D. eighteen hundred and seventy-eight—and report the same back, and recommend that it be referred to the Judiciary Committee.

Also, Senate Bill No. 378—An Act to amend section four hundred and fifty, and to repeal sections four hundred and fifty-one and four hundred and fifty-two of the Civil Code, relating to life insurance—and report the same back with amendments, and recommend its passage as amended.

SEARS, Chairman.

On motion of Mr. Satterwhite, Assembly Bill No. 109 was ordered at the head of the second reading file.

By Mr. Cheney:

SENATE CHAMBER, SACRAMENTO, March 18th, 1880.

MR. PRESIDENT: Your Committee on Engrossment, to whom was recommitted Senate Bill No. 399, with instructions to amend same by adding a new section, to be known as section sixty-one, respectfully report said bill back with the new section correctly engrossed therein.

Also, Senate Bill No. 475—An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove.

CHENEY, Chairman.

By Mr. Wendell:

SENATE CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: The Committee on County and Township Governments, to whom was referred Senate Bill No. 251—An Act to provide for funding the indebtedness of counties having

more than seven thousand inhabitants—have had the same under consideration, and report the same back with amendments, and recommend passage of the same as amended.

Also, Senate Bill No. 97—An Act to repeal section four thousand two hundred and twenty-one of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to Auditor and County Judge counting money in treasury and making statement of same—and recommend passage of the same as amended.

Also, Senate Bill No. 497—An Act to amend section four thousand and seventy-two of the Political Code, relating to the presentation of claims against counties—and recommend the passage of the same.

Also, Senate Bill No. 493—An Act to amend section four thousand and seventy of the Political Code, forbidding Supervisors to allow claims or contract debts in certain cases—and recommend the passage of the same.

WENDELL, Chairman.

Senate Bill No. 251 ordered at the head of second reading file, on motion of Mr. West.

By Mr. Johnston:

SENATE CHAMBER, March 19th, 1880.

MR. PRESIDENT: The Special Committee to whom was referred Senate Bill No. 255, with instructions to amend, report the same back to the Senate amended as instructed.

JOHNSTON, Committee.

By Mr. Davis:

SENATE CHAMBER, March 19th, 1880.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 452—An Act to establish Boards of Education and to define their powers and duties, in cities or consolidated cities and counties of over one hundred thousand inhabitants, and to provide for the support and maintenance of common schools in such cities or consolidated cities and counties—have had the same under consideration, and report it back without recommendation.

Also, Senate Bill No. 453—An Act relating to school districts comprised of two or more counties—and report the same back, with the recommendation that it be indefinitely postponed, on the ground that the provisions of said bill are already provided for in Senate Bill No. 399.

Also, Senate Bill No. 454—An Act to provide for a commission to inquire as to the need of a State school for weak-minded children—have had the same under consideration, and report it back without recommendation.

DAVIS, Chairman.

By Mr. Neumann:

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 479, have had the same under consideration, and report the same back, with the recommendation that it be indefinitely postponed.

Your committee would also state that they have considered Senate Bill No. 499, and report the same back, and recommend that it do not pass.

Your committee have also considered Senate Bill No. 123, and report the same back, and recommend its passage as amended.

Your committee to whom was referred certain petitions, praying for the suffrage of woman, have had the same under consideration, and report the same back, with recommendation that this is not the proper time for action thereon.

NEUMANN, Chairman.

NOTICE.

Mr. Johnson gave notice that, on to-morrow, he would offer a minority report concerning that portion of the report of the Committee on Elections relating to woman suffrage.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage beg leave to report, and recommend the adoption of, the following resolution:

Resolved, That the sub-committee on Mines and Mining be allowed the amount set opposite to their names in the following statement, for mileage, said sums to be paid out of the appropriation for the contingent expenses of the Senate:

Senator Burt.....	\$18 00
Senator Ryan.....	18 00
Senator Neumann.....	18 00

ZUCK, Chairman.

Report adopted. By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, March 17th, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom were referred the following resolutions, viz.: Assembly Joint Resolution No. 10—Relative to the enforcement of the United States statute making eight hours the length of a day's labor on public works.

Assembly Joint Resolution No. 7—Relative to the procuring of a quarantine depot.

Assembly Concurrent Resolution No. 17—Relative to the establishment of a first order light and a steam fog signal station at Point St. George, on the northern coast of California.

Assembly Joint Resolution No. 15, relative to extending the thanks of the State to J. W. Mackey.

Respectfully report that they have considered the same, and report the same back, and recommend their adoption.

BAKER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 17th, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom the following resolutions were referred, viz.: Senate Concurrent Resolution No. 19—Relative to establishing closer commercial intercourse by reciprocity treaties with Mexico, Guatemala, Costa Rica, San Salvador, Honduras, and Nicaragua.

Senate Concurrent Resolution No. 21—Relative to United States money.

Senate Joint Resolution No. 5—Relative to procuring the removal by Congress of the duty on printing paper, and on materials used in the manufacture of the same.

Senate Concurrent Resolution No. 26—Relative to the Mexican veterans.

Senate Joint Resolution No. 6—Relative to memorializing Congress to pay certain money to the State of California.

Respectfully report that they have considered the same, and report the same back, and recommend their passage.

BAKER, Chairman.

By Mr. Neumann:

SENATE CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: Your Committee on Mines and Mining respectfully report that they have had Assembly Bill No. 230 under consideration, and recommend its passage by the Senate.

NEUMANN, Chairman.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, March 18th, 1880.

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 243—An Act to amend sections three thousand four hundred and ninety-five and three thousand four hundred and ninety-eight of the Political Code, relative to affidavits of applicants to purchase portions of sixteenth and thirty-sixth sections.

And, also, Assembly Bill No. 199—An Act to amend section three thousand four hundred and ninety-five of the Political Code, relative to reservation of public lands for Indians.

And Assembly Bill No. 64—An Act to amend sections three thousand four hundred and forty and three thousand four hundred and ninety-four of the Political Code, relative to interest on deferred payments for State lands.

Have had the same under consideration, and report the same back to the Senate, and recommend their passage.

JOHNSTON, Chairman.

PETITIONS.

By permission, Mr. Chase introduced a petition of J. W. Webb and one hundred and seventy-six other citizens of Lompoc and vicinity, in Santa Barbara County, asking for a local option law.

Referred to the Committee on County and Town Governments.

By Mr. Kane—A petition from Peter Maurer and L. P. Hall, relative to the emigration of Chinese.

Referred to the Committee on Federal Relations.

SPECIAL ORDER—RESUMED.

Consideration of Senate Bill No. 362 resumed.

Mr. Baker moved that the bill be considered in Senate and not as in Committee of the Whole.

Carried.

Section three adopted.

Mr. Enos moved to amend, in line seven, printed bill, section four, after the word "Judge," by adding the words "Chief of Police."

Upon which the ayes and noes were demanded by Messrs. Traylor, Gorman, and Johnson, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Pool, and Satterwhite—13.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

Lost.

Mr. Conger moved to amend by striking out, in line six, section five, the words "and notify the Governor of such division."

Mr. Traylor moved, as a substitute, to amend section five by striking out the word "Governor," in line six, and insert in lieu thereof the words "Judges of the Superior Court of such city and county," and also strike out the word "Governor," in line seven, and insert the words "said Judges of said Superior Court."

Adopted.

Mr. Neumann moved to amend section five by adding thereto, after the word "Act," in line sixteen, the words "and the said Municipal Council may hereafter from time to time change the boundaries of such wards so as to equalize the population of the same respectively as far as practicable."

Upon the adoption of which the ayes and noes were demanded by Messrs. Enos, Kane, and Nelson, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Harlan, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Traylor, Watson, Wendell, West, and Zuck—23.

NOES—Messrs. Chase, Conger, Enos, Gorman, Kane, Kelly, Langford, Moreland, Nelson, Pool, and Ryan—11.

Carried.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, George, Glaseock, Gorman, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Rowell, Ryan, Satterwhite, Traylor, Watson, Wendell, and West.

Quorum present.

Mr. Davis moved that Senate Bill No. 399 be made the special order for seven o'clock and thirty minutes to-night.

Carried.

Mr. Gorman moved to amend section seven as follows: Strike out, in line three, the words "the Board of Aldermen shall appoint," and insert the following words, "the Mayor shall appoint, subject to the confirmation of the Board of Aldermen."

Adopted.

Mr. Hittell moved to amend section sixteen by changing the word "citizen," where it occurs last in the section, to the word "resident."

Adopted.

Mr. Davis moved to amend section eighteen by striking out the word "may," and inserting the word "must," in line eleven of printed bill.

Adopted.

Mr. Enos moved to amend section eighteen as follows: After the word "vote," in line three, printed bill, add the words "and exercise the veto power."

Lost.

Mr. Conger moved to amend section nineteen, lines five and six, by striking out, after the words "each House," the words "shall be the judge of the election returns and qualification of its own members."

Lost.

Mr. Enos moved to amend section sixteen by adding to said section the words "or appointment."

Carried.

Mr. Dickinson moved to amend section twenty-two by inserting the word "other," after the word "any," in line two, printed bill.

Adopted.

Mr. Enos moved to amend section nineteen, line nine, by changing the second "the" to "each."

Lost.

Mr. Hittell moved, in line two, section twenty-eight, printed bill, to strike out the word "thereof," after the word "title."

Carried.

Mr. Dickinson moved to amend by inserting the words "or appointed," after the word "elected," in line twenty of section thirty-one.

Adopted.

Also, to amend section twenty by striking out the word "of," and inserting the words "elected or appointed."

Adopted.

Also, to amend section twenty-seven, line five, of printed bill, by inserting after the word "elected" the words "or appointed."

Adopted.

Mr. Hittell moved to amend section twenty of printed bill by striking out, in line three, the words "member of."

Adopted.

Mr. Davis moved to amend section twenty by striking out the words "elect to," and insert the word "of."

Adopted.

Mr. Enos moved to amend section twenty-five, line three, by striking out the words "for urgent reason."

Adopted.

Mr. Dickinson moved to amend section twenty-six, line seven, by inserting after the word "elected" the words "or appointed."

Adopted.

Special order at three o'clock P. M., consideration of motion of Senator Hittell to reconsider passage, March seventeenth, of Senate Bill No. 58.

On motion of Mr. Hittell, the same was continued, and made the special order for next Tuesday, at three o'clock P. M.

Mr. Conger moved to amend section thirty-four, line nineteen, subdivision four, by striking out the words "where lawful and necessary."

Lost.

Mr. Enos moved to amend section thirty-four, subdivision twenty-one, line one hundred and seven, by changing the word "seventy-five" to "forty."

Adopted.

Mr. Neumann moved to amend section thirty-four, line nine, printed bill, by striking out the words "and highways."

Adopted.

Mr. Enos moved to amend section thirty-five, line two, by changing the word "thirty" to "twenty-five."

Adopted.

Also, to amend line three, section thirty-five, by changing the word "five" to "three."

Adopted.

Mr. Neumann moved to amend section thirty-four, page seventeen, line two hundred and twenty-four, printed bill, by changing the word "said" to "such."

Adopted.

Mr. Hittell moved to amend section forty-two, by changing the word "and," where it first occurs, to "any."

Adopted.

Also, amend section forty-three, line four, printed bill, by inserting the word "where" after the word "place."

Adopted.

Mr. Sears moved to amend section forty-five, line three, page twenty-four, by inserting after the word "taxes," the words "paid to him under protest, or otherwise, or."

Adopted.

Mr. Hittell moved to amend section fifty, by striking out the words "Board of Aldermen," and inserting the words "Municipal Council."

Lost.

Mr. Enos moved to amend by striking out the word "public," in line one, section fifty-three.

Adopted.

Mr. Gorman moved to amend section fifty-five by striking out all of the section down to and including the words "eighty-one."

Lost.

Mr. Enos moved to amend by striking out lines one and two, of printed bill, down to and including the word "appoint," and insert in lieu thereof the following: "It is hereby made the duty of the Mayor, Auditor, and Treasurer of such city and county, and they are hereby authorized and empowered to appoint, subject to the confirmation of the Board of Aldermen."

Lost.

Mr. Hittell moved to amend section fifty-five by striking out the words "Municipal Council," and inserting the words "Board of Aldermen."

Carried.

Mr. Hittell moved to amend section fifty-four by adding to end thereof the words, "one of the public parks, at the request of the Park Commissioners;" also, strike out the words "squares and parks," in lines twelve and thirteen, and insert instead the words "and squares."

Adopted.

Mr. Conger moved to amend section fifty-eight by striking out the words "shall appoint," in line six, and inserting the words, "the Justices of the Peace shall appoint, subject to confirmation of."

Lost.

Mr. Neumann moved to strike out the word "eight," in section fifty-nine, line ten, printed bill, and insert the word "nine."

Adopted.

Mr. Dickinson offered the following as a substitute for the second and third amendments to section seventy-eight: Strike out "Municipal Council" and insert "Board of Aldermen," and strike out, in line two, printed bill, section seventy-eight, the word "Council," where it appears the second time, and insert the word "Board."

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Kane, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, Gorman, Harlan, Hill, Kane, Kelly, Nelson, and Ryan—11.

NOES—Messrs. Baker, Burt, Cheney, Davis, Dickinson, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—19.

Lost.

At five o'clock and thirteen minutes p. m. Mr. Enos moved to adjourn.

Lost.

Mr. Hittell moved that the amendment offered by the committee be amended so as to read, "during the pleasure of said Board," instead of "during the pleasure of said Council."

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Kelly, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, Dickinson, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Traylor, Watson, Wendell, and Zuck—22.

NOES—Messrs. Conger, Enos, Gorman, Harlan, Kane, Kelly, Nelson, Pool, and Ryan—9.

Adopted.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 19th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: Senate Bill No. 424—entitled an Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, relating to the issuance of bonds by the trustees of school districts, to raise money for building purposes, and to provide for the payment of the same.

CHENEY, Chairman.

RECESS.

At five o'clock and twenty minutes p. m., on motion of Mr. Johnson, the Senate took a recess until seven o'clock and thirty minutes p. m.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes p. m. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Upon the following committee amendments to amend section eighty-one, line one, by striking out the word "biennially;" also, on line four, striking out all after the word "office," down to and including the word "qualified," in line seven, and inserting in lieu thereof "during the pleasure of such Council," the ayes and noes were demanded by Messrs. Enos, Conger, and Kelly, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Dickinson, George, Hittell, Hudson, Johnson, Lampson, Neumann, Nye, Rowell, Sears, Traylor, and Watson—16.

NOES—Messrs. Burt, Conger, Enos, Gorman, Harlan, Kane, Kelly, Moreland, Nelson, and Ryan—10.

Adopted.

Mr. Satterwhite announced that he was paired with Senator Johnston.

Mr. West announced that he was paired with Senator Brown.

Mr. Enos moved to amend section eighty-one, line one, by changing the words "Board of Aldermen" to the words "District Attorney."

Lost.

Mr. Hittell moved to amend section eighty-one, line three, printed bill, by inserting the words "during the pleasure of said Board," instead of the words "during the pleasure of said Council."

Adopted.

Mr. Enos moved to amend section eighty-one, line nine, printed bill, by changing the word "five" to the word "three."

Adopted.

Mr. Enos moved to strike out section eighty-two.

Lost.

Mr. Enos moved to amend section eighty-two, line one, printed bill, by striking out all after the word "law," down to and including the word "records," in line two.

Lost.

Mr. Dickinson offered the following as a substitute for section eighty-three:

SECTION 83. The compensation or salary of any officer provided for in this section shall not be increased or decreased during his term of office.

Adopted.

Mr. Rowell moved to strike out section eighty-three.

Lost.

Mr. Hittell moved to amend section eighty-four, subdivision eight, line forty-eight, printed bill, by striking out the word "four" and inserting the word "three."

Adopted.

Mr. Enos moved to amend section eighty-four, line seven, printed bill, by changing the word "eight" to the word "six."

Adopted.

Also, to amend section eighty-four, line fifteen, printed bill, by changing the word "six" to the word "nine."

Adopted.

Also, moved to amend section eighty-four, line fifteen, printed bill, by changing the word "nine" to the word "twelve."

Upon which the ayes and noes were demanded by Messrs. Enos, Nelson, and Conger, with the following result:

AYES—Messrs. Chase, Conger, Enos, Gorman, Kane, Nelson, Pardee, Ryan, Satterwhite, and Watson—10.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Lampson, Neumann, Nye, Rowell, Sears, Traylor, and Wendell—19.

Lost.

Mr. Kane moved to amend section eighty-four, line four, by striking out the words "three thousand," and inserting instead the words "four thousand."

Upon which the ayes and noes were demanded by Messrs. Enos, Ryan, and Nelson, with the following result:

AYES—Messrs. Conger, Davis, Enos, Gorman, Johnson, Kane, Nelson, Pool, Rowell, Ryan, Satterwhite, and Watson—12.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Lampson, Neumann, Nye, Pardee, Sears, Traylor, and Wendell—19.

Lost.

Mr. Sears moved to strike out, in section eighty-four, subdivision two, the words "three thousand," and insert instead the words "two thousand four hundred."

Adopted.

Mr. Conger moved to strike out the words "four thousand," and insert instead the words "three thousand," in subdivision eleven, section sixty-one.

Adopted.

Mr. Enos moved to amend section eighty-four, line seventeen, of printed bill, by changing the word "four" to the word "three."

Adopted.

Also, to amend section eighty-four, line eighteen, of printed bill, by changing the words "three thousand" to the words "two thousand four hundred."

Adopted.

Mr. Sears moved to amend section eighty-four, line eleven, by striking out the word "eight," and inserting instead the word "six."

Adopted.

Mr. Enos moved to amend section eighty-four, line twenty, of printed bill, by changing the word "four" to the word "three."

Adopted.

Also, moved to amend section eighty-four, line twenty-one, of bill copy, by changing the words "three thousand" to the words "two thousand four hundred."

Adopted.

Also, to amend section eighty-four, line twenty-seven, by changing the word "four" to the word "three."

Adopted.

Mr. Sears moved to amend section eighty-four, subdivision three, line nineteen, by striking out the word "eight," and inserting instead the word "six."

Adopted.

Mr. Enos moved to amend section eighty-four, line twenty-three, by changing the word "four" to the word "three."

Adopted.

Also, to amend section eighty-four, line thirty-five, by changing the word "four" to the word "three."

Adopted.

Also, to amend section eighty-four, line fifty-two, by changing the word "five" to the word "four."

Adopted.

Also, to amend section eighty-four, line twenty-six, by striking out the word "eight" and inserting the word "six."

Adopted.

Also, in section eighty-four, line thirty-six, by changing the words "three thousand" to the words "two thousand four hundred."

Adopted.

Mr. Conger moved to amend section eighty-four, line forty, in printed bill, by changing the word "four" to the word "three."

Adopted.

Mr. Enos moved to amend section eighty-four, line fifty-seven, by changing the word "five" to the word "four."

Adopted.

Also, to amend section eighty-two, line sixty-seven, in printed bill, by changing the word "four" to the word "three."

Adopted.

Also, to amend section eighty-four, line seventy-two, in printed bill, by changing the word "four" to the word "three."

Adopted.

Mr. Sears moved to amend section eighty-four, line twenty-eight, by striking out the words "four hundred."

Adopted.

Mr. Enos moved to amend section eighty-four, line seventy-six, by changing the word "four" to the word "three."

Adopted.

Mr. Sears moved to amend section eighty-four, line twenty-nine, by striking out the words "four hundred."

Adopted.

Mr. Enos moved to amend section eighty-four, line seventy-eight, by changing the word "four" to "three."

Upon which the ayes and noes were demanded by Messrs. Enos, Kane, and Dickinson, with the following result:

AYES—MESSRS. Baker, Burt, Conger, Gorman, Kane, Kelly, Nelson, and Nye—8.

NOES—MESSRS. Anderson, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Hittell, Hudson, Johnson, Neumann, Pardee, Rowell, Ryan, Sears, Traylor, Watson, and Wendell—19.

Lost.

Mr. Enos changed his vote from aye to no, and gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the amendment was lost.

Mr. Enos moved to amend section eighty-four, lines seventy-nine and eighty, by changing the words "three thousand" to "two thousand four hundred."

Adopted.

Mr. Rowell moved to amend section eighty-four, line forty-three,

by striking out the words "two thousand one hundred" and inserting the words "one thousand six hundred."

Upon which the ayes and noes were demanded by Messrs. Sears, Burt, and Nelson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Chase, Glascock, Gorman, Harlan, Hudson, Kane, Nye, Rowell, Sears, Traylor, and Wendell—14.

NOES—Messrs. Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Johnson, Kelly, Nelson, Neumann, Pardee, Ryan, and Watson—14.

Lost.

At nine o'clock and thirty-five minutes P. M. Mr. Conger moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Conger, Johnson, and Burt, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Enos, George, Gorman, Harlan, Kelly, Nelson, Pardee, and Ryan—13.

NOES—Messrs. Cheney, Davis, Dickinson, Glascock, Hittell, Hudson, Johnson, Kane, Neumann, Nye, Rowell, Sears, Traylor, Watson, and Wendell—15.

Lost.

Mr. Rowell moved to amend section eighty-four, line forty-four, by striking out the word "eight" and inserting the word "six."

Adopted.

Also, to amend section eighty-four, line forty-six, by striking out the word "eight" and inserting the word "six."

Adopted.

At nine o'clock and forty minutes P. M. Mr. Pardee moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Burt, Enos, and Cheney, with the following result:

AYES—Messrs. Baker, Chase, Conger, Enos, Gorman, Kelly, Nelson, Pardee, and Ryan—9.

NOES—Messrs. Anderson, Burt, Cheney, Davis, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Johnson, Neumann, Nye, Rowell, Sears, Traylor, Watson, and Wendell—18.

Lost.

Mr. Dickinson gave notice that, on to-morrow, he would move to reconsider the votes by which the salaries of the Auditor, Coroner, Assessor, County Clerk, City and County Attorney, City and County Surveyor, Treasurer, Tax Collector, Recorder, District Attorney, Superintendent of Streets, and Superintendent of Schools, were reduced; and also by which "Superior Judges" were substituted for "Governor," in section five.

Mr. Rowell moved to amend section eighty-four, line fifty-four, by striking out the words "three thousand and six," and inserting the words "two thousand and four."

Adopted.

Mr. Enos moved a call of the House.

Upon which the ayes and noes were demanded by Messrs. Enos, Dickinson, and Neumann, with the following result:

AYES—Messrs. Baker, Conger, Enos, Glascock, Nelson, Ryan, and Zuck—7.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Davis, Dickinson, George, Gorman, Harlan, Hittell, Hudson, Kane, Kelly, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and West—24.

Lost.

At nine o'clock and forty-five minutes p. m. Mr. Enos moved to adjourn

Upon which the ayes and noes were demanded by Messrs. Enos, Chase, and Cheney, with the following result:

AYES—Messrs. Chase, Conger, Davis, Enos, George, Glasecock, Gorman, Harlan, Kelly, Nelson, Ryan, and Watson—12.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Dickinson, Hittell, Hudson, Kane, Lampson, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, Wendell, West, and Zuck—20.

Lost.

Mr. Rowell moved to amend section eighty-four, line sixty-three, by striking out the word "eight" and inserting the word "six."

Adopted.

Also, in section eighty-four, line sixty-eight, strike out the word "twenty" and insert the word "ten"; also, strike out all after the word "deputies," in line sixty-eight, to and including the word "deputies," in line seventy, and insert instead the word "who."

Lost.

Mr. Sears moved to pass the further consideration of section eighty-four until to-morrow.

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Conger, with the following result:

AYES—Messrs. Baker, Chase, Conger, Lampson, Neumann, Nye, Rowell, Sears, Traylor, and Wendell—10.

NOES—Messrs. Anderson, Burt, Carlock, Cheney, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hittell, Hudson, Kane, Nelson, Pool, Watson, and Zuck—18.

Lost.

At ten o'clock and one minute p. m. Mr. Kane moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Neumann, and Kane, with the following result:

AYES—Messrs. Baker, Burt, Chase, Conger, Davis, Enos, Glasecock, Gorman, Harlan, Kane, Kelly, Nelson, Pardee, Pool, Ryan, and West—16.

NOES—Messrs. Anderson, Carlock, Cheney, Dickinson, George, Hittell, Hudson, Johnson, Lampson, Neumann, Nye, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—17.

Lost.

Mr. Enos moved to amend section eighty-four, line seventy-six, by striking out all after the word "annum," down to and including the word "provide," in line seventy-five.

Mr. Neumann offered the following as a substitute: Amend by inserting, in line seventy-three, after the word "deputies," the words "not exceed four," and after the word "provide," at the end of the section, the words "not to exceed the sum of five dollars per day, when actually employed."

Adopted.

ADJOURNMENT.

At ten o'clock and twenty minutes p. m. Mr. Traylor moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Davis, and Burt, with the following result:

AYES—Messrs. Baker, Carlock, Cheney, Conger, George, Gorman, Harlan, Hittell, Hudson, Kane, Lampson, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, West, and Zuck—20.

NOES—Messrs. Anderson, Burt, Davis, Dickinson, Enos, Kelly, Nelson, Neumann, Ryan, and Wendell—10.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Saturday, March 20th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

During the reading of the Journal, on motion of Mr. Baker, further reading was dispensed with, and the same approved.

By Mr. Baker (by permission):

SENATE CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 500—An Act to provide for the future management of the Insane Asylums of the State—would respectfully report that they have considered the same, and now report the same back with a substitute therefor, and recommend the passage of the substitute.

BAKER, Chairman.

By Mr. Burt (by permission):

SENATE CHAMBER, March 20th, 1880.

MR. PRESIDENT: Your Committee on Public Morals beg leave to report that they have had under consideration Senate Bill No. 387—entitled an Act to amend section three hundred and ninety-seven of the Penal Code, relating to the sale of intoxicating liquors to drunkards or Indians, and to repeal an Act entitled an Act to prevent the sale of intoxicating drinks to minors, approved March fourth, eighteen hundred and seventy-two—and report the same back, recommending its passage.

Also, Assembly Bill No. 163—entitled an Act to amend section three hundred and thirty-six of the Penal Code, relating to games of chance at places where liquors are sold—and report the same back, with the recommendation that it do pass.

BURT, Chairman.

By Mr. Nye (by permission):

SENATE CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was recommittees, with instructions, Senate Bill No. 209—An Act entitled an Act to empower Justices of the Peace to hold inquests concerning fires—have had the same under consideration, and report the same back to the Senate, with the amendment attached according to instructions.

NYE, Chairman.

On motion of Mr. Davis, the rules were suspended, and Senate Bill No. 399 was taken up out of order.

Senate Bill No. 399—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-five, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-one, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and sixteen, one

thousand six hundred and seventeen, one thousand six hundred and
 nineteen, one thousand six hundred and twenty, one thousand six
 hundred and twenty-one, one thousand six hundred and twenty-two,
 one thousand six hundred and twenty-four, one thousand six hun-
 dred and sixty-two, one thousand six hundred and sixty-three, one
 thousand six hundred and sixty-five, one thousand six hundred and
 sixty-six, one thousand six hundred and ninety-six, one thousand
 seven hundred and one, one thousand seven hundred and twelve,
 one thousand seven hundred and fifteen, one thousand seven hun-
 dred and sixty-eight, one thousand seven hundred and sixty-nine,
 one thousand seven hundred and seventy, one thousand seven hun-
 dred and seventy-one, one thousand seven hundred and seventy-two,
 one thousand seven hundred and seventy-four, one thousand seven
 hundred and seventy-five, one thousand seven hundred and eighty-
 seven, one thousand seven hundred and eighty-eight, one thousand
 seven hundred and ninety, one thousand seven hundred and ninety-
 one, one thousand eight hundred and seventeen, one thousand eight
 hundred and eighteen, one thousand eight hundred and thirty-four,
 one thousand eight hundred and thirty-five, one thousand eight hun-
 dred and thirty-six, one thousand eight hundred and thirty-seven,
 one thousand eight hundred and fifty-seven, one thousand eight hun-
 dred and fifty-eight, one thousand eight hundred and fifty-nine, one
 thousand eight hundred and sixty-one, one thousand eight hundred
 and sixty-nine, one thousand eight hundred and seventy-one, and
 one thousand eight hundred and seventy-four, and to repeal sections
 one thousand six hundred and fifty-two, one thousand six hundred
 and sixty-nine, one thousand six hundred and seventy, one thousand
 seven hundred and forty-one, one thousand seven hundred and
 forty-two, one thousand seven hundred and forty-three, one thou-
 sand seven hundred and forty-four, one thousand seven hundred and
 forty-five, one thousand seven hundred and forty-six, one thousand
 seven hundred and forty-seven, one thousand seven hundred and
 forty-eight, one thousand seven hundred and forty-nine, one thou-
 sand seven hundred and fifty, one thousand seven hundred and fifty-
 one, one thousand seven hundred and fifty-two, one thousand seven
 hundred and fifty-three, one thousand seven hundred and fifty-four,
 one thousand seven hundred and fifty-five, one thousand seven
 hundred and fifty-seven, one thousand seven hundred and fifty-
 eight, one thousand seven hundred and seventy-seven, one thousand
 seven hundred and ninety-three, one thousand eight hundred and
 thirty-eight, one thousand eight hundred and forty, one thousand
 eight hundred and forty-one, one thousand eight hundred and forty-
 two, one thousand eight hundred and forty-three, one thousand
 eight hundred and forty-four, one thousand eight hundred and forty-
 five, one thousand eight hundred and forty-six, one thousand eight
 hundred and forty-seven, one thousand eight hundred and forty-
 eight, one thousand eight hundred and forty-nine, one thousand
 eight hundred and fifty, one thousand eight hundred and fifty-one,
 one thousand eight hundred and fifty-two, and one thousand eight
 hundred and seventy-two, of the Political Code, and to add five new
 sections thereto, to be known as sections one thousand five hundred
 and sixty-five, one thousand five hundred and eighty-three, one
 thousand seven hundred and three, one thousand seven hundred
 and four, and one thousand eight hundred and seventy-nine.

On motion of Mr. Davis, the Secretary was instructed to correct a clerical error in section ten.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—33.

NOES—None.

Title read and approved.

SPECIAL ORDER.

Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of this State.

Leave of absence was granted Senators Langford and Cheney.

Mr. Conger moved to amend section eighty-five, line one, by striking out the words "six hundred."

Adopted.

Mr. Traylor moved to amend section eighty-six by striking out the word "three," in line two, and insert the word "five," and also insert after the word "three," the words "three from the Board of Aldermen, two from the House of Delegates," and strike out, in lines two and three, the words "to be appointed by the House of Delegates from its members."

Mr. Enos offered the following as a substitute for the amendment: Amend section eighty-six by substituting the following for the section:

SECTION 86. The conduct, management, and control of elections and matters appertaining to elections in such city and county, shall be vested in the Board of Election Commissioners, which Board shall have and exercise all the powers, and shall be charged with all the duties, as to elections and matters appertaining to elections, vested by general laws in Supervisors of counties; and the Registrar of Voters, hereafter provided for, shall be ex officio Secretary of the Board, and shall give advice and information to said Board when required by them so to do.

Upon which the ayes and noes were demanded by Messrs. Enos, Nelson, and Conger, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Gorman, Harlan, Kane, Kelly, Nelson, Pool, Ryan, and Satterwhite—11.

NOES—Messrs. Baker, Burt, Carlock, Chase, Davis, Dickinson, Hill, Hittell, Johnson, Johnston, Neumann, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—18.

Lost.

Mr. Gorman offered the following as a substitute for section eighty-six:

SECTION 86. The conduct, management, and control of elections and matters pertaining to elections in such city and county, shall be vested in a Board of Election Directors, to consist of three persons, who shall be appointed by the Mayor, subject to the approval of the Municipal Councils, and no two of said Directors shall belong to the same political party; said Board of Directors shall have the direction, charge, and supervision of all matters pertaining to elections, and the Election Commissioner, hereafter provided for, shall execute all orders, rules, and regulations adopted by said Board, and shall give advice and information to said Board when required by them so to do.

Upon which the ayes and noes were demanded by Messrs. Enos, Gorman, and Nelson, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Nelson, Pardee, Pool, Ryan, Satterwhite, and Watson—17.

NOES—Messrs. Baker, Carlock, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Rowell, Sears, Traylor, and Zuck—14.

Adopted.

Mr. Pardee moved a reconsideration of the vote whereby the substitute for section eighty-six, offered by Mr. Gorman, was adopted.

Upon which the ayes and noes were demanded by Messrs. Enos, Gorman, and Nelson, with the following result:

AYES—Messrs. Baker, Dickinson, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Rowell, Sears, Traylor, and Zuck—13.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Moreland, Nelson, Pool, Ryan, Satterwhite, and Watson—20.

Lost.

Mr. Gorman moved to amend section eighty-seven as follows: Strike out down to the word "divide" in line two, and insert the following: "The Board of Election Directors shall, on or before the first day of July preceding each general election."

Adopted.

Also, amend section eighty-seven by striking out, in lines five and six, "and shall from time to time thereafter, as the exigency shall require, redistrict such city and county into other or further precincts."

Adopted.

Also, amend section eighty-seven as follows: Insert after the word "ascertained," in line five, the following: "and arranged, using streets and avenues as boundaries, preserving, as near as practicable, the numerical designation of the precincts as known in such ward and senatorial district in the preceding precinct division."

Adopted.

Mr. Enos offered the following as a substitute for section eighty-eight:

SECTION 88. There shall be an Election Commissioner for such city and county, to be appointed by the Mayor, with the advice of the Board of Aldermen, from among the citizens of said city and county. His salary shall not exceed thirty-six hundred dollars per annum, payable out of the treasury of said city and county as other salaries are paid; and he shall be allowed a deputy, who shall receive a salary not to exceed one hundred and fifty dollars per month, payable in the same manner, and such other clerical assistance as shall be found necessary to the discharge of the duties of said office, to be allowed and authorized by the Board of Election Directors of said city and county. He shall have a suitable office provided for him by said Board, and such allowance for stationery, printing, and incidental expenses as shall prove necessary. He shall give an additional bond in the sum of ten thousand dollars, with two sureties, to be approved by the Auditor and Treasurer, conditioned for the faithful performance of his duties.

RECESS.

During the consideration of the substitute offered, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Leave of absence was granted Mr. Hill for the balance of the day.

Leave of absence was granted Mr. Hudson until Monday, at two o'clock P. M.

The question now recurred upon the substitute offered by Mr. Enos for section eighty-eight.

Adopted.

Mr. Gorman moved to amend section eighty-nine as follows: "*Provided*, the County Clerk shall continue to administer oaths of office, issue certificates of election, and act in matters of election contest, as prescribed by the Political Code, and the Registrar shall file with the County Clerk a certificate of the official canvass of elections, as prescribed by law in such cases."

Adopted.

Mr. Gorman offered the following as a substitute for section ninety:

SECTION 90. The said Election Commissioner shall be in attendance, except when absent on official duties, and keep his office open for business every day in the year, Sundays and legal holidays excepted, from nine o'clock A. M. till five P. M. It shall be unlawful for the said Election Commissioner, his Deputy, or Clerks to register citizens at other times or in other places than his office as provided by law. All registration of voters must be done where the public may have easy access without disturbing, or interfering, or retarding an honest execution of the law. The Commissioner and his Deputy, as well as Clerks, not to exceed four in number, engaged in the registration of voters, and the Board of Election Directors, as well as the Boards of Precinct Registration appointed by the said Board, shall have power to administer oaths and affirmations in all matters touching elections, the duties of their offices, and the registration of voters, or inquiry into their qualifications.

Adopted.

Mr. Gorman moved to amend section ninety-four, after the word "the," in the first line, by inserting the following words, "registration of voters."

Adopted.

Mr. Gorman offered the following as a substitute for section ninety-six:

SECTION 96. It shall be the duty of the Election Commissioner to obtain from the registers of voters of such city and county, the names and occupation of the resident citizens of said city and county between the ages of twenty-one and sixty years possessing the necessary qualifications to act as Judges, Inspectors, and Clerks of election, taking care to select persons of good reputation and character, and have the same placed in a book, so as readily to refer to the places of residence, and the ward and precinct in which they vote. If any of them should prove, upon examination, incompetent to serve by reason of infirmity, or other cause, the reason must be noted in brief opposite their names.

Lost.

Mr. Gorman offered the following as a substitute for section ninety-four, by adding, at the end of the section, the following: "Each political party shall have the right to designate, place, and keep a challenger at each place of registration and voting, who shall be assigned such position, immediately adjoining the officers of registration and election, as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his

duty by the said officers and the police. Each political party may remove any challenger appointed by it, and all vacancies which, from any cause, shall arise shall be filled by the same party, power, or authority, as conferred the original appointment."

Lost.

Mr. Gorman moved to amend section ninety-three as follows: Insert after the word "purpose," in line four, the following words, "from a list of substitutes to be agreed upon by said Board."

Lost.

Also, to amend section ninety-four, line four, by inserting after the word "place," the words, "or place of registration."

Lost.

Mr. Gorman moved to amend section ninety-seven as follows: Insert after the word "places," in second line, the words "must be able to read and write the English language understandingly."

Adopted.

Mr. Enos moved to amend section ninety-six, line two, printed bill, by striking out "property tax."

Upon which the ayes and noes were demanded by Messrs. Enos, Kane, and Gorman, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Glascock, Gorman, Kane, Kelly, Nelson, Pool, Ryan, and Satterwhite—11.

NOES—Messrs. Baker, Burt, Carlock, Chase, Davis, Dickinson, George, Hittell, Johnson, Johnston, Neumann, Pardee, Rowell, Sears, Traylor, Watson, and Wendell—17.

Lost.

Mr. Harlan announced that he was paired with Mr. Hudson.

Mr. Gorman moved to amend section ninety-eight as follows: Strike out the word "two," in line two, and insert the word "five."

Upon which the ayes and noes were demanded by Messrs. Gorman, Nelson, and Conger, with the following result:

AYES—Messrs. Chase, Conger, Enos, Gorman, Kane, Kelly, Nelson, Pool, and Ryan—9.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Davis, Dickinson, Glascock, Hittell, Johnson, Johnston, Neumann, Pardee, Rowell, Satterwhite, Traylor, and Watson—16.

Lost.

Mr. Enos moved to amend section ninety-eight, line two, by changing the word "two" to the word "three."

Adopted.

Mr. Rowell moved to amend section ninety-eight, by striking out the word "six," in line seven of printed bill, and inserting the word "four."

Adopted.

Mr. Enos moved to amend section ninety-eight, line two, by changing the word "such" to the words "said," and line three by changing the word "said" to the word "such."

Adopted.

Mr. Traylor moved to amend section ninety-nine, line twelve, printed bill, by changing the word "said" to the word "such."

Adopted.

Mr. Gorman moved to amend section one hundred and four as follows: Insert after "Directors," in line three, the words "shall in the months of August and September, preceding any general election."

Strike out in line three, the words "as soon as is practicable" after the words "they shall."

Adopted.

Also, moved to amend section one hundred and five, by adding to the end thereof: "*Provided*, they shall not register citizens who have lost or who are not in possession of their naturalization certificates or papers."

Adopted.

Also, amend section one hundred and seven as follows: Strike out after the words "provided for," in the second line, down to and including the words "who shall," in the fourth line, and insert the following: "Three precinct registers shall be delivered by the Election Commissioner to said respective Boards, who shall keep one register and personally make entries therein."

Adopted.

Also, add to end of section one hundred and seven the following: "The Boards of Precinct Registration, on each day of registration and before adjourning, shall, on each of the registers, draw in ink immediately below the last number and name entered in the allotted space of each letter of the alphabet, and below the last written words and figures entered opposite to or against such name, a heavy line, as indicative of the fact that the entering of names on the said registers, for the day mentioned in the column headed 'date of application,' and opposite to or against the name last entered, then ceased."

Adopted.

Also, moved to amend section one hundred and nine as follows: Add to the end of the section the following: "The registers written by the Judges shall be retained and securely kept by the Inspector for use on the day of election, and shall be the registers used by the Board of Election during the polling of the vote, as prescribed in the Political Code, and said registers shall be delivered to the Election Commissioner, with the election returns, on the conclusion of the canvass of the votes polled."

Adopted.

Also, offered the following as a substitute for section one hundred and fourteen:

SECTION 144. As soon as the Election Commissioner shall receive the Precinct Register from any Board of Precinct Registration, he shall proceed with the greatest diligence to cause a copy of so much of said precinct registers to be printed as is contained in the number, name, occupation, and residence of each person enrolled therein, and the same shall be printed, and copies of them posted in his office for public inspection within six days after the copy has been furnished to the printers. Said printing shall be in small pen type, upon paper equal to forty-four pound white book, and published in pamphlet form. There shall be published in ward volume form, containing the precinct registration of each precinct in each ward, at least two hundred and fifty copies for the first one thousand names so registered in said wards, and fifty copies for each additional one thousand or fraction of a thousand over five hundred, and there shall also be published in precinct book or form one hundred copies of each precinct for general distribution in precincts. The ward copies shall be distributed as now provided in the Political Code of this State. The Election Commissioner of voters, and the Boards of Precinct Registration, shall each day of registration prepare a copy of the registration made by them, so that the same may be prepared and ready for the printer so soon as registration be concluded.

Lost.

Mr. Enos moved to amend section one hundred and twenty-one as follows: "There shall be in every city and county a Board of Police Commissioners, consisting of the Mayor, Chairman of the Board of

House of Delegates, and the Chief of Police, who shall serve without additional salary.

Lost.

Mr. Neumann offered the following as a substitute for section one hundred and twenty-one, so as to read as follows:

SECTION 121. There shall be in every such city and county a Board of Police Commissioners, consisting of three Commissioners, to be appointed by the Board of Aldermen. The first three Commissioners appointed under this Act shall immediately after their appointment so classify themselves by lot that one of them shall go out of office in two years; one of them in three years; and one of them in four years after the appointment, and thereafter on the expiration of the term of office of any one of said Commissioners. The said Board shall appoint a Commissioner to fill the office, who shall hold office for four years, provided, however, that the Board of Police Commissioners now in office shall continue to hold office for the term of four years from the date of their appointment.

No quorum voting the substitute was declared lost.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Mr. Traylor, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, March 22d, 1880. }

The Senate met pursuant to adjournment.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

Mr. Johnson moved that Assembly Bills Nos. 99 and 100 be placed near the foot of the file.

Carried.

Mr. Traylor moved that Senate Bill No. 362 be passed, and made the special order for two o'clock P. M.

Carried.

REPORTS OF STANDING COMMITTEES.

By Mr. Carlock:

SENATE CHAMBER, March 20th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following bills, viz.: Substitute for Senate Bill No. 60—An Act to amend title eleven, of part four, of the Civil Code, and each and every section thereof, and to substitute a new title eleven, of part four, to take the place thereof in said Code, relating to mining corporations.

Senate Bill No. 260—An Act to repeal section one thousand four hundred and twenty-two of the Civil Code.

Senate Bill No. 429—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State.

CARLOCK, for the Committee.

Also:

SENATE CHAMBER, March 18th, 1880.

MR. PRESIDENT: Your Committee on Fisheries and Game, to whom was referred Senate Bill No. 482—entitled an Act for the better preservation of fish, by providing and maintaining fish-screens at the heads of mining and irrigating ditches—have had the same under consideration, and report it back, and recommend its passage.

Also, Senate Bill No. 483—An Act to amend section six hundred and twenty-eight of the Penal Code, relative to the destruction of deer, antelope, elk, and other animals—have had the same under consideration, and report it back, and recommend its passage.

CARLOCK, Chairman.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 45—An Act to amend sections three thousand four hundred and fifteen, three thousand four hundred and sixty-six, three thousand four hundred and ninety-five, three thousand five hundred, and three thousand five hundred and forty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relative to the public lands of this State—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 17th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 236—An Act to amend section six of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners.

GEO. C. PERKINS, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March nineteenth, eighteen hundred and eighty, adopted Assembly Concurrent Resolution No. 19—Relative to certain lands in San Joaquin County claimed by Andreas Pico.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 19, above reported, read first time, and referred to the Committee on Federal Relations.

Senators Davis, Watson, and Cheney granted leave of absence until one o'clock and thirty minutes P. M.

ASSEMBLY CHAMBER, SACRAMENTO, March 19th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March nineteenth, eighteen hundred and eighty, adopted the report of the Committee of Conference upon Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions.

Also, that on March nineteenth, eighteen hundred and eighty, the Assembly adopted the report of the Committee of Conference upon Senate Bill No. 141—An Act to amend chapters two and three, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three to take the place thereof in said Code, relating to appeals in civil actions.

Also, that on March nineteenth, eighteen hundred and eighty, the Assembly adopted the

report of the Committee of Conference upon Senate Bill No. 158—An Act to amend sections eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

J. M. WRIGHT, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March seventeenth, eighteen hundred and eighty, passed Assembly Bill No. 527—An Act to amend section three thousand six hundred and sixty-three of the Political Code, relating to revenue.

Also, that on March seventeenth, eighteen hundred and eighty, the Assembly adopted Assembly Joint Resolution No. 12—Relative to government lands in the State of California.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 527, above reported, read first time, and referred to the Committee on Finance.

Assembly Joint Resolution No. 12, above reported, read first time, and referred to the Committee on Federal Relations.

Senate Bill No. 296, reported from the Assembly with amendments, on the seventeenth of March, eighteen hundred and eighty, was now taken up.

Amendments read, and upon the question of concurrence the ayes and noes were demanded by Messrs. Johnson, West, and Chase, with the following result:

AYES—MESSRS. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—30.

NOES—MR. NYE—1.

Amendments concurred in.

Mr. Wendell, by leave, offered the following report:

SENATE CHAMBER, SACRAMENTO, March 22d, 1880.

MR. PRESIDENT: The Committee on County and Township Government, to whom was referred Senate Bill No. 30—An Act to amend sections three hundred and thirty-two, three hundred and forty-three, three hundred and fifty-two, three hundred and sixty-seven, three hundred and eighty-four, three hundred and eighty-six, three hundred and ninety-six, three hundred and ninety-seven, four hundred and eight, four hundred and ten, four hundred and seventeen, four hundred and nineteen, four hundred and twenty, four hundred and twenty-two, four hundred and thirty-eight, four hundred and forty, four hundred and forty-one, four hundred and fifty-five, four hundred and fifty-six, four hundred and seventy-one, four hundred and seventy-two, four hundred and eighty-four, four hundred and eighty-six, five hundred, five hundred and twenty-eight, seven hundred and thirty-seven, seven hundred and thirty-eight, seven hundred and thirty-nine, seven hundred and forty-nine, seven hundred and sixty-seven, eight hundred and forty-one, eight hundred and fifty-two, eight hundred and fifty-three, nine hundred and ninety-six, three thousand seven hundred, four thousand and twenty-six, four thousand one hundred and three, four thousand one hundred and nine, four thousand one hundred and ten, four thousand one hundred and twelve, four thousand one hundred and fifteen, four thousand one hundred and sixteen, four thousand one hundred and nineteen, four thousand one hundred and seventy-six, four thousand two hundred and four, four thousand two hundred and fifty-six, four thousand three hundred and twenty-eight, and to repeal sections four hundred and fifteen, four hundred and twenty-one, four hundred and ninety-nine, five hundred and fifteen, and six hundred and eighty-four, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to public officers, their duties and compensation—have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 355—An Act to amend sections two thousand nine hundred and six, two thousand nine hundred and seven, two thousand nine hundred and eight, two thousand nine hundred and nine, two thousand nine hundred and ten, two thousand nine hundred and eleven, two thousand nine hundred and twelve, two thousand nine hundred and thirteen, two thousand nine hundred and fourteen, two thousand nine hundred and fifteen, two thousand nine hundred and sixteen, two thousand nine hundred and seventeen, two thousand nine hundred and eighteen, two thousand nine hundred and nineteen, and two thousand nine hundred

and twenty, of the Political Code—with amendments, and recommend the passage of the same as amended.

Also, Senate Bill No. 21—An Act to amend section four thousand two hundred and four of the Political Code—with amendments, and recommend the passage of the same as amended.

Also, Senate Bill No. 185—An Act to amend sections four thousand two hundred and fifteen and four thousand two hundred and sixteen of the Political Code, relating to the duties of Auditors—and recommend the passage of the same.

Also, Senate Bill No. 376—An Act to provide for the redemption of outstanding bonds of the several counties of this State—with substitute therefor, and recommend the passage of the substitute.

Also, Senate Bill No. 447—An Act to regulate bonds of Treasurers, Tax Collectors, Sheriffs, or other public officers having the collecting, disbursing, or charge of public moneys in their official capacity in any city and county, or incorporated city or town, or any unincorporated city and county in this State—and recommend that the same be indefinitely postponed.

Also, Senate Bill No. 484—An Act to authorize Boards of Supervisors to issue bonds to redeem or to provide for outstanding bonds about to mature—and recommend its indefinite postponement, on the ground that it is covered by the provisions of Senate Bill No. 251.

Also, Senate Bill No. 494—An Act to amend sections four thousand and twenty-four and four thousand and twenty-five, and to repeal section four thousand one hundred and eleven of the Political Code, relative to the election and term of office of Supervisors—and recommend the passage of the same.

Also, Senate Bill No. 495—An Act to add a new section to the Political Code, to be known as section four thousand three hundred and thirty, creating a salary fund—and recommend the passage of the same.

Also, Senate Bill No. 496—An Act to add a new section to the Political Code, to be known as section four thousand three hundred and twenty-nine, relating to the compensation of Justices of the Peace—and recommend the passage of the same.

Also, Senate Bill No. 76—An Act to amend section three thousand three hundred and fifty-nine of the Political Code—and recommend that it be indefinitely postponed.

WENDELL, Chairman.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Watson: Senate Bill No. 513—An Act to add sections three thousand three hundred and forty-six, three thousand three hundred and forty-seven, and three thousand three hundred and forty-eight, to the Political Code, relating to volunteer firemen and fire companies.

Read first time, and referred to the Committee on Finance.

By Mr. Rowell: Senate Bill No. 514—An Act to repeal section two thousand five hundred and forty-five of the Political Code, relating to eligibility of Harbor Commissioners.

Read first time, and referred to the Committee on Commerce and Navigation.

By Mr. Lampson: Senate Bill No. 515—An Act to appropriate money for the support of aged and infirm women.

Read first time, and referred to the Committee on Hospitals.

By Mr. Dickinson: Senate Bill No. 516—An Act to add certain sections to the Political Code, concerning the State Militia, to be known as sections number one thousand nine hundred and seventy-eight and one thousand nine hundred and seventy-nine.

Read first time, and referred to the Committee on Judiciary.

By Mr. Nye: Senate Bill No. 517—An Act to amend section eight hundred and eighty-two of the Penal Code, concerning conditional examinations of witnesses on behalf of the people.

Read first time, and referred to the Committee on Judiciary.

Mr. Johnson, by leave, introduced the following resolution:

Resolved, That the Secretary of the Senate be directed to furnish the State Printer with all documents necessary to be printed in the appendix to the Journals of the Senate.

Adopted.

Mr. Sears, by permission, introduced Senate Concurrent Resolution No. 27:

Resolved by the Senate, the Assembly concurring, That the State Printer be requested to print two thousand five hundred extra copies of the revenue law, in statute form, one thousand for the use of members of the Senate, and one thousand five hundred copies for the use of members of the Assembly.

Adopted.

By Mr. Johnson (by permission):

Resolved, That the Committee on Public Buildings be and are hereby instructed to investigate the management and affairs of the Napa Insane Asylum, and to that end are hereby authorized to send for persons, books, and papers, administer oaths, and take testimony, and report as speedily as possible.

Adopted.

Mr. Gorman, by leave, introduced the following resolution:

Resolved, That Senator T. K. Nelson be and he is hereby allowed the sum of three hundred and fifty dollars for expenses incurred by him in the matter of the election contest of Harrington vs. Nelson, said sum being payable out of the appropriation for the contingent expenses of the Senate.

Read and referred to the Committee on Elections.

By Mr. Ryan (by permission):

Resolved, That the Chairman of each of the standing committees of the Senate be and they are hereby directed to report back all bills which have been in their hands *ten* days or over, as required by Rule Number Fifty-one of the standing rules of the Senate.

Mr. Johnson moved that the resolution be laid upon the table.

Upon which the ayes and noes were demanded by Messrs. West, Johnson, and Ryan, with the following result:

AYES—Messrs. Baker, Burt, Brown, Chase, Dickinson, George, Hittell, Johnson, Johnston, Lampson, Pardee, Traylor, Wendell, and Zuck—14.

NOES—Messrs. Anderson, Conger, Gorman, Hill, Kane, Kelly, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, Sears, and West—14.

Resolution lost.

President pro tem. Baker in the chair.

SECOND READING OF BILLS.

Senate Bill No. 251—An Act to provide for funding and refunding county indebtedness.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Assembly Bill No. 109—An Act permitting and authorizing railway and other corporations organized under the laws of any State or Territory of the United States of America, or any Act of Congress of the United States of America, to do business in this State on the same terms as railway corporations organized under the laws of this State.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 63 passed on the file.

Senate Bill No. 246—An Act to provide for the election of trustees in swamp or reclamation districts in cases where there is no acting board, and to provide for future elections or appointment of trustees in such districts.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bills Nos. 40 and 41 passed on the file.

Senate Bill No. 340—An Act to protect public schools.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 220 passed on the file.

Assembly Bill No. 95—An Act to repeal an Act entitled "An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda."

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered on the general file for third reading.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act relating to mutual, beneficial, and relief associations," approved March twenty-eighth, eighteen hundred and seventy-four.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on third reading file.

Assembly Bill No. 57—An Act to repeal an Act entitled "An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days," approved March seventh, eighteen hundred and seventy-six.

Read second time, and ordered on the third reading file.

Senate Bill No. 271—An Act to amend section four hundred and forty-nine of the Code of Civil Procedure.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 278—An Act to amend section four hundred and thirty-one of the Code of Civil Procedure.

On motion of Mr. Sears it was indefinitely postponed.

Senate Bill No. 295—An Act to discourage and prohibit corporations and individuals from holding large tracts of land.

Read second time.

Mr. Hittell moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Johnson, West, and Enos, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Hittell, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Traylor, and Wendell—13.

NOES—Messrs. Baker, Chase, Conger, Dickinson, Enos, George, Gorinan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Sears, West, and Zuck—17.

Lost.

Bill read second time, and ordered engrossed.

Senate Bill No. 287—An Act to amend section one thousand four hundred and ninety-one of the Code of Civil Procedure, relating to claims against the estates of deceased persons.

Read second time, and bill ordered engrossed.

Senate Bill No. 132—An Act to appropriate moneys out of the General Fund in the State treasury to pay the Clerk of the State Board of Equalization for services rendered as such Clerk.

RECESS.

During the consideration of the same, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Johnston moved that the rules be suspended, and that Senate Bill No. 368 be taken up out of order.

Upon which the ayes and noes were demanded by Messrs. Gorman, Johnston, and Glascock, with the following result:

Ayes—Messrs. Anderson, Burt, Brown, Chase, Dickinson, Glascock, Gorman, Hittell, Johnson, Johnston, Neumann, Pardee, Rowell, Satterwhite, Sears, Traylor, and Wendell—17.

Noes—Messrs. Cheney, Conger, Davis, George, Hill, Kane, Kelly, Moreland, Nye, Watson, and Zuck—11.

Lost.

THIRD READING.

Consideration of motion of Mr. Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204.

Passed on the file.

Senate Bill No. 255 passed on the file.

Senate Bill No. 329—An Act to provide for the compensation of the officers and persons performing duties and incurring expense under "An Act to create a drainage district, to be called the Sacramento Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight.

Amendments of committee adopted.

Bill read third time.

During the consideration of the same, the hour having arrived for the consideration of the special order, Senate Bill No. 362, Mr. Satterwhite moved the same be postponed until after the conclusion of the third reading file.

Upon which the ayes and noes were demanded by Messrs. Neumann, Traylor, and Watson, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Hittell, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Wendell, and Zuck—19.
 NOES—Messrs. Baker, Brown, Cheney, Davis, Dickinson, George, Hill, Hudson, Johnson, Neumann, Pardee, Rowell, Sears, Traylor, and Watson—15.

Carried.

Consideration of Senate Bill No. 329 continued.

Upon the passage of the bill, the roll was called with the following result:

AYES—Messrs. Baker, Cheney, Conger, Davis, Dickinson, Hudson, Johnston, Kelly, Nelson, Neumann, Pardee, Ryan, Traylor, and Watson—14.

NOES—Messrs. Anderson, Burt, Brown, Chase, Enos, Glascock, Gorman, Hill, Hittell, Johnson, Kane, Lampson, Langford, Moreland, Nye, Pool, Rowell, Satterwhite, Sears, Wendell, and West—21.

Lost.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 329 was lost.

Senate Concurrent Resolution No. 24—Relative to proposed amendment to the Constitution allowing women to vote.

Read third time.

The roll was called upon the passage of the resolution, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Watson, West, and Zuck—19.

NOES—Messrs. Anderson, Brown, Cheney, Dickinson, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, and Wendell—18.

Not receiving the constitutional majority, the resolution was declared lost.

Mr. Johnson moved that Senate Bill No. 362 be now taken up, and continued until disposed of, with the exception of the hours from one o'clock and thirty minutes P. M. to three o'clock P. M., each day.

Carried.

SPECIAL ORDER FOR MONDAY, MARCH TWENTY-SECOND, AFTER READING JOURNAL, TO CONTINUE UNTIL DISPOSED OF.

Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of this State.

Mr. Dickinson offered the following substitute for section one hundred and twenty-one:

SECTION 121. There shall be in every such city and county a Board of Police Commissioners, consisting of three Commissioners, to be appointed by the Board of Aldermen. The first three Commissioners appointed under this Act shall immediately after their appointment so classify themselves by lot that one of them shall go out of office in two years; one of them in three years; and one of them in four years after the appointment; and thereafter on the expiration of the term of office of any one of said Commissioners, the said Board shall appoint a Commissioner to fill the office, who shall hold office for four years, provided, however, that the Board of Police Commissioners now in office shall continue to hold office for the term of four years from the date of their appointment.

Mr. Enos offered the following as an amendment to the amendment: Section one hundred and twenty-one, line three, strike out all after "at," down to and including "county," on line four, and

substitute therefor "the Mayor, Chairman of the House of Delegates, and the presiding Judge of the Superior Court of such city and county."

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Nelson, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Kane, Kelly, Langford, Nelson, Nye, Ryan, and West—15.

NOES—Messrs. Baker, Burt, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Pardee, Rowell, Sears, Traylor, Watson, Wendell, and Zuck—21.

Lost.

The question now recurred upon the substitute as offered by Mr. Dickinson.

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Nelson, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—21.

NOES—Messrs. Conger, Enos, Glascock, Kane, Kelly, Langford, Nelson, and Ryan—8.

Adopted.

Mr. Anderson announced that he was paired with Mr. Baker.

Mr. Enos offered the following as an amendment to section one hundred and twenty-one: In line four, change the word "three" to the word "five."

Lost.

Also, to amend section one hundred and twenty-one by changing the word "four" to the word "five," in written substitute.

Lost.

Mr. Dickinson moved to amend section one hundred and twenty-two by striking out the word "three," in line one, and inserting in lieu thereof the words "said Board of;" and, also, to strike out the words "so appointed," in line one; also, to strike out the words "receiving notice of their appointment as such Commissioners," in line two, and insert in line two the words "the taking effect of this Act," after the word "after" in said line.

Adopted.

Mr. Dickinson moved to strike out section one hundred and twenty-three.

Adopted.

Mr. Enos moved to amend section one hundred and twenty-four, line two, by changing the word "five" to the word "six," in printed bill.

Adopted.

Also, to amend section one hundred and twenty-four, in line two, by changing the second word "five" to the word "four," in printed bill.

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Nelson, with the following result:

AYES—Messrs. Burt, Chase, Conger, Enos, Gorman, Kane, Kelly, Langford, Nelson, Pool, Rowell, Ryan, Satterwhite, Wendell, and West—15.

NOES—Messrs. Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Lampson, Neumann, Pardee, Sears, Traylor, Watson, and Zuck—16.

Lost.

Mr. Enos moved to strike out section one hundred and twenty-four.
Lost.

Mr. Sears in the chair.

Mr. Enos moved to amend section one hundred and twenty-five, line fourteen, by changing the word "forty-five" to the word "fifty-five."

Adopted.

President Mansfield in the chair.

Mr. Rowell moved to amend section one hundred and twenty-five as follows: Strike out the words "Surgeon of the Police Department," in line sixteen, and insert instead the words "a reputable physician."

Adopted.

Mr. Enos moved to amend section one hundred and twenty-seven, line three, by inserting after the word "whatever," the words "nor solicit counsel or attorneys for prisoners."

Adopted.

Mr. Enos moved to strike out section one hundred and thirty.

Adopted.

RECESS.

At four o'clock and fifty-five minutes p. m., on motion of Mr. Enos, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes p. m.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Senate Bill No. 362 continued.

Mr. Enos moved to amend section one hundred and thirty-one, line twenty-one, by changing the word "two" to the word "four."

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Gorman, with the following result:

AYES—Messrs. Conger, Enos, Gorman, Kane, Pool, Ryan, and Satterwhite—7.

NOES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Moreland, Neumann, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

Lost.

Mr. Rowell moved to amend section one hundred and thirty-one by striking out lines six and seven.

Adopted.

Mr. Conger moved to amend section one hundred and thirty-one by striking out the words "three thousand," and inserting the words "fifteen hundred."

Adopted.

Mr. Kane moved to amend section one hundred and thirty-one by striking out the words "fifteen hundred," and inserting the words "one thousand."

Lost.

Mr. Dickinson moved to amend section one hundred and thirty-two by striking out the words "or city," in line one, printed bill.

Adopted.

Mr. Enos moved to amend section one hundred and thirty-two, line twelve, as follows: After the word "thousand" insert the words "five hundred."

Lost.

Mr. Enos moved to amend section one hundred and thirty-three by adding, "upon presentation of a certificate from a reputable physician."

Lost.

Mr. Enos moved to amend section one hundred and thirty-eight by striking out the word "four," and insert in lieu thereof the word "two."

Lost.

Mr. Enos moved to amend section one hundred and forty-one by striking out in first line "the Chief of Police," and inserting "the Board of Police Commissioners."

Lost.

Mr. Conger moved to amend section one hundred and forty-two, line eleven, by inserting after the word "force" the words "provided that no member of the police force shall be excluded from becoming a candidate for the office of Chief of Police."

Adopted.

Mr. Enos moved to amend section one hundred and forty-two by inserting at the end of the section, "nor shall any member of said police force be a member of any political club, or take part in the organization of such club."

Adopted.

Mr. Enos moved to amend section one hundred and forty-four by inserting, "provided that the Board of Police Commissioners shall have no power to designate the standard or quality of cloth to be used in the uniforms of said police force."

Lost.

Mr. Dickinson moved to amend section one hundred and forty-five by striking out the same.

Adopted.

Mr. Enos moved to amend section one hundred and forty-seven by inserting after the word "petitioning," in line five, the words, "provided that no special officer shall be appointed in any part of such city and county known as the Chinese quarter."

Adopted.

Mr. Enos moved to amend section one hundred and forty-eight by striking out, in lines four and nine, the words "seven thousand two hundred dollars," and inserting instead the words, "three thousand six hundred dollars," of printed bill.

Lost.

Mr. Dickinson offered the following as a substitute for section one hundred and forty-nine:

SECTION 149. There shall be a Board of Fire Commissioners of said city and county, consisting of five persons, possessing the same qualifications of eligibility as are herein prescribed for members of the Board of Aldermen, who shall be appointed by the Board of Aldermen, and shall hold office for the term of four years from and after the term of their appointment, provided that the Fire Commissioners, now acting as such in such city and county, continue to hold their respective offices until the expiration of the term for which they have been respectively elected or appointed.

Mr. Conger offered the following as an amendment to the amendment:

SECTION 149. There shall be elected at the next general election and every four years thereafter, a Board of Fire Commissioners for each city, or city and county, of over one hundred thousand population, consisting of five persons of good character and standing, citizens of the United States, and who shall have been residents of said city, or city and county, for at least five years, and the district from which they are elected three years previous to their election as such Commissioners; and the person or persons so elected shall, before entering upon their duties as such Commissioners, give a bond each for the faithful performance of his duties as such Commissioner in the penal sum of five thousand dollars, to be approved and filed in the same manner as the bonds of other city, or city and county officers; and they shall hold their offices for a term of four years from and after the first Monday after the first day of January, eighteen hundred and eighty-one, at twelve o'clock meridian, and until their successors are elected and qualified. And in the event of any one or more of said Commissioners neglecting or refusing to perform the duties of his office, or in the event of any vacancy or vacancies occurring in said Board of Fire Commissioners from any cause (other than the expiration of their term of office), the Municipal Council of such city, or city and county, shall appoint some suitable person or persons to fill such vacancy or vacancies until the next general election thereafter. The person or persons so appointed must be selected from the same district that such vacancy or vacancies occur in, and shall have all the qualifications as before mentioned. All appointments of Fire Commissioners by the Municipal Council of such city, or city and county, shall be in open session, and shall be by viva voce vote, and the same shall be entered in the minutes of said Board, and no appointment made otherwise shall be valid. No member of such Board of Fire Commissioners shall be eligible to any elective office in this State during his incumbency of the office of Fire Commissioner except such Commissionership, nor for one year thereafter. The Fire Commissioners shall be elected one from each of the Senatorial districts as they now exist in such city, or city and county; and if such districts shall be increased then there shall be a Fire Commissioner elected from each one of the Senatorial districts, and the number of Commissioners shall be increased accordingly; and the person or persons composing any present Board of Fire Commissioners are required to turn over and deliver to the person or persons so elected Commissioners under this Act, all records, books, papers, and all property of whatever nature in their possession, or under their control, belonging or appertaining to the fire department of such city, or city and county.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Kane, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Glaseock, Gorman, Kelly, Moreland, Nelson, Ryan, Satterwhite, and Watson—11.

NOES—Messrs. Baker, Burt, Chase, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Kane, Neumann, Pardee, Rowell, Sears, Traylor, Wendell, West, and Zuck—19.

Lost.

The question now recurred upon the adoption of the substitute introduced by Mr. Dickinson.

Substitute adopted.

Mr. Enos moved to amend section one hundred and forty-nine by striking out the words "Board of Aldermen," and inserting in lieu thereof, the words "the Mayor, subject to the approval of the Board of Aldermen."

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Nelson, with the following result:

AYES—Messrs. Anderson, Burt, Conger, Enos, Glaseock, Gorman, Hill, Kane, Kelly, Nelson, Rowell, Ryan, and West—13.

NOES—Messrs. Baker, Carlock, Chase, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Pardee, Traylor, Watson, Wendell, and Zuck—18.

Lost.

Mr. Sears announced that he was paired with Mr. Satterwhite.

Mr. Conger moved to amend section one hundred and forty-nine by striking out the words "Board of Aldermen," and inserting the words "Municipal Council."

Lost.

Mr. Enos moved to strike out section one hundred and forty-nine.
Lost.

Also, moved to strike out section one hundred and fifty.
Lost.

Mr. Neumann moved to amend section one hundred and fifty-one by striking out, in line one, the word "three," and inserting in lieu thereof the word "five."

Adopted.

ADJOURNMENT.

At nine o'clock and twenty-seven minutes p. m. Mr. Ryan moved to adjourn.

Carried.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, March 23d, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read, and, on motion of Mr. Zuck, the further reading was dispensed with, and the same approved.

Mr. Traylor moved that Senate Bill No. 362, the special order for immediately after the reading of the Journal, be temporarily passed, and that the standing committees be allowed to report.

Carried.

REPORT OF STANDING COMMITTEE.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 23d, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 273—An Act to amend sections three thousand and seventy-four, three thousand and seventy-five, three thousand and seventy-six, three thousand and seventy-seven, three thousand and seventy-eight, three thousand and seventy-nine, three thousand and eighty, three thousand and eighty-one, three thousand and eighty-two, and three thousand and eighty-five, of the Political Code, relative to the registration of births, marriages, and deaths—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 388—An Act to provide for the payment of certain outstanding bonds of Plumas County—report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 442—An Act to provide for the payment of the amount of interest due to Hastings College of the Law—report the same back, and recommend its passage as amended.

Also, Senate Bill No. 474—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, relating to Administrators—and recommend its passage.

Also, Assembly Bill No. 130—An Act to amend section six hundred and ninety-one of the

Political Code, approved March eighteenth, eighteen hundred and seventy-eight—report the same back, and recommend its passage.

Also, Assembly Bill No. 142—An Act to amend the Penal Code, by adding a new section thereto, to be known as section five hundred and thirty-six, relative to cheats—report the same back, and recommend its passage.

Also, Assembly Bill No. 118—An Act to amend section one thousand three hundred and eighteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relative to the contesting of the probate of wills—report the same back, and recommend its passage.

Also, Assembly Bill No. 148—An Act to amend an Act entitled "An Act to enable certain parties therein named to alienate or incumber homesteads," approved March twenty-fifth, eighteen hundred and seventy-four—report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 149—An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March twenty-third, eighteen hundred and seventy-two—report the same back, and recommend its passage.

Also, Assembly Bill No. 170—An Act to amend section five hundred and twenty-nine of the Code of Civil Procedure, in relation to injunctions—report the same back, and recommend its passage.

Also, Assembly Bill No. 185—An Act to amend section six hundred and nineteen of the Penal Code, relative to disclosing the contents of a telegraphic message—report the same back, and recommend its passage.

Also, Assembly Bill No. 261—An Act to amend section sixty of the Civil Code of California, relative to the intermarriage of whites with negroes and persons of other races—report the same back, and recommend its passage.

Also, Senate Bill No. 481—An Act to amend section one hundred and twenty-five of the Code of Civil Procedure, relating to the trials of actions—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 488—An Act to amend section three thousand four hundred and ten of the Political Code, relating to the payment for services rendered the State by the Registers and Receivers of the United States Land Offices—report the same back, and recommend its passage.

Also, Senate Bill No. 489—An Act to amend sections three thousand four hundred and fourteen and three thousand four hundred and fifteen of the Political Code, relating to contests of the approval of surveys of public lands—report the same back, and recommend its passage.

Also, Senate Bill No. 490—An Act to amend section seven hundred and ninety-three of the Civil Code, relating to actions for possession of real property in certain cases—report the same back, and recommend its passage.

Also, Senate Bill No. 491—An Act to amend section seventy-eight of the Civil Code, relating to actions to determine and declare the validity of marriages in certain cases—report the same back, and recommend its passage.

Also, Senate Bill No. 492—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a Trustee may be discharged from his trust—report the same back, and recommend its passage.

Also, Senate Bill No. 502—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 504—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials—report the same back, and recommend its passage.

NYE, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 22d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-second, eighteen hundred and eighty, refused third reading to Senate Bill No. 178—An Act to add a new section to the Penal Code, to be known as section seven hundred and ninety-six, relating to the place of trial of indictments or informations for publications in newspapers.

Also, Senate Bill No. 184—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to personal property set apart for the use of the family.

Indefinitely postponed Senate Bill No. 93—An Act to amend section one hundred and thirty of the Code of Civil Procedure, relating to rules of Courts.

Refused third reading to Senate Bill No. 281—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons.

Also, Senate Bill No. 179—An Act to amend section five hundred and fourteen of the Civil Code, concerning wagon road corporations.

J. M. WRIGHT, Assistant Clerk.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Davis: Senate Bill No. 518—An Act to amend section three hundred and eighty-two of the Code of Civil Procedure.

Read first time, and referred to the Judiciary Committee.

By Mr. Hittell: Senate Bill No. 519—An Act appropriating one hundred dollars per month for the purpose of procuring suitable rooms for "Hastings' College of the Law."

Read first time, and referred to the Committee on Finance.

Also: Senate Bill No. 520—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of the Code of Civil Procedure, relating to findings.

Read first time, and referred to the Judiciary Committee.

By Mr. Johnson: Senate Bill No. 521—An Act to provide for the establishment of institutions for the employment of needy persons.

Read first time, and referred to the Committee on Labor and Capital.

By Mr. Dickinson: Senate Bill No. 522—An Act to amend section eight hundred and four of the Code of Civil Procedure.

Also: Senate Bill No. 523—An Act to amend section three hundred and fifteen of the Civil Code.

Each of the above bills read first time, and referred to the Committee on Judiciary.

By Mr. Ryan (by request): Senate Bill No. 524—An Act to prevent the sale or furnishing of intoxicating beverages on the Sabbath day.

Read first time, and referred to the Committee on Public Morals.

By Mr. Nye: Senate Bill No. 525—An Act to amend sections three hundred, two hundred and ninety-nine, and three hundred and one, of the Penal Code, relating to business transactions on Sunday.

Read first time, and referred to the Committee on Public Morals.

Mr. Nye also introduced, out of order, three petitions, relating to and asking for the passage of Senate Bill 525, or a similar Act.

Referred to Committee on Public Morals.

By Mr. Dickinson (by request): Senate Bill No. 526—An Act to pay the society of California Pioneers rent for rooms for the Hastings College of the Law.

Read first time, and referred to the Committee on Claims.

By Mr. Sears: Senate Bill No. 527—An Act to disincorporate the Town of San Rafael, and provide for the payment of its debts.

Read first time, and referred to the Judiciary Committee.

SPECIAL ORDERS.

Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of this State.

Mr. Enos moved to amend section one hundred and fifty-eight by striking out the words "upon the recommendation of the Board of Fire Commissioners."

Lost.

Mr. Conger moved to insert, in section one hundred and sixty-six, line nine, after the word "purposes," the following: "Nor shall any officer, member, or employé of any such department act as Judge,

Inspector, Supervisor, Clerk, or other officer of any primary or general election, nor shall either of them peddle or distribute ballots or tickets on any election day, or to take part in any election except to deposit his vote. Any violation of the provisions of this section shall be deemed a misdemeanor, and, furthermore, such offender shall be dismissed from his position in the fire department, and he shall no longer exercise the same, nor afterwards be eligible to any position in any such fire department.

Lost.

Mr. Gorman moved to amend section one hundred and sixty-seven by striking out, in lines ten and eleven, the words "two thousand and four," and insert in lieu thereof the words "one thousand and eight."

Adopted.

Mr. Rowell moved to amend section one hundred and sixty-eight by striking out lines thirteen and fourteen, page sixty-four of printed bill.

Lost.

Mr. Conger moved to amend section one hundred and sixty-eight, line thirty-one, by striking out the word "twenty", and inserting the word "eighty."

Adopted.

Mr. Dickinson moved to amend section one hundred and seventy-two as follows:

SECTION 172. There shall be a Board of Health for such city and county, which Board shall consist of the Mayor of the city and county and four physicians in good standing, residing in such city and county, who shall be appointed by the Governor, and who shall hold office for the term of four years, and until their successors are appointed and qualified; and in case any vacancy shall at any time occur in said Board by removal or resignation, or otherwise, the same shall be filled by appointment by the Governor; *provided*, that nothing herein contained shall affect the terms of the members of the Board of Health of any such city and county appointed prior to the passage of this Act.

Adopted.

Mr. Enos moved to amend section one hundred and seventy-three as follows:

SECTION 173. The Mayor of such city and county shall be ex officio President of the Board of Health, and in his absence, at any meeting, the Board may elect a Chairman, who shall, for the time, be clothed with all the power of the President. Said Board shall hold a regular meeting at least once in each month, and at other times when called thereto by the President, or by a majority of the Board.

Adopted.

Mr. Hittell, by permission, offered the following report from the Committee on Conference:

SENATE CHAMBER, March 18th, 1880.

MR. PRESIDENT: Your Committee on Conference, to whom was referred Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice, and various officers connected therewith—beg leave to report, and recommend that the Senate concur in Assembly amendments, numbers two, five, eleven, fourteen, sixteen, twenty-three, twenty-five, twenty-six, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, and forty-four, and that the Assembly recede from their amendments, numbers ten, fifteen, seventeen, twenty-four, twenty-seven, forty-one, forty-two, forty-five, fifty-one, fifty-two, and fifty-four.

THEO. H. HITTELL,
GROVE L. JOHNSON,
J. F. WENDELL,
Senate Committee.

CHAS. N. FOX,
T. H. MERRY,
GEO. W. TYLER,
Assembly Committee.

Mr. Hittell moved that the report be adopted, and that the Senate concur in the Assembly amendments to Senate Bill No. 118, above indicated.

Upon which the roll was called with the following result:

AYES—Messrs. Burt, Chase, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Nelson, Neumann, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—24.

NOES—Messrs. Anderson, Brown, Enos, Johnson, Kane, and Pardee—6.

Carried, and amendments concurred in.

Consideration of Senate Bill No. 362 resumed.

Mr. Dickinson moved to amend section one hundred and seventy-six, subdivision eleven, by adding thereto the following, "without any salary, so that each college shall have one visiting physician and one visiting surgeon."

Adopted.

Mr. Enos moved to strike out section one hundred and seventy-six.
Lost.

Also, moved to amend section one hundred and seventy-six, line fifteen, by changing the words "seven hundred and fifty" to "nine hundred."

Adopted.

Mr. Gorman moved to amend section one hundred and seventy-six, line four, by striking out the words "three thousand" and inserting the words "two thousand four hundred."

Adopted.

Mr. Enos offered the following amendment to section one hundred and seventy-seven:

SECTION 177. And such other officers and employes of such institutions as may be necessary; the appointing power of all and each of such officers and employes is vested solely in said Board, which shall have power to prescribe the duties of all and each of said officers and employes, but shall not remove the same without just cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him, at least five (5) days previous to the day of trial, and he shall have an opportunity to appear by counsel and to examine witnesses in his behalf, and all witnesses shall be examined under oath, and all trials shall be public. All such officers and employes as are not designated in this Act shall receive a compensation to be fixed by said Board of Health; *provided*, that nothing herein contained shall be construed to operate necessarily as creating a vacancy in the terms of any of the officers or employes of the Board of Health in any such city and county appointed prior to the passage of this Act: but such officers and employes shall continue in discharge of their duties now imposed upon them by law, or by rule and regulation of said Board of Health.

Lost.

Also, moved to strike out all after the word "pleasure," in line four, section one hundred and seventy-seven, printed bill.

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Nelson, with the following result:

AYES—Messrs. Burt, Brown, Conger, Enos, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Nelson, and Wendell—12.

NOES—Messrs. Carlock, Chase, Davis, Dickinson, George, Hittell, Johnson, Johnston, Neumann, Pardee, Rowell, Sears, Traylor, Watson, and Zuck—15.

Lost.

Mr. Enos moved a call of the Senate.

Lost.

At eleven o'clock and fifty-five minutes p. m. Mr. Enos moved to adjourn.

Lost.

Mr. Dickinson moved that the Secretary correct a clerical error in section one hundred and ninety.

Carried.

Mr. Sears moved to amend section one hundred and ninety-eight by striking out, in line three, printed bill, all after the word "within," and add the words "this State."

Adopted.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Consideration of motion of Senator Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204 passed on the file.

Senate Bill No. 144 passed on the file.

Senate Bill No. 368—An Act to add a new section to the Political Code, to be numbered three thousand four hundred and ninety-one, relative to the election of Trustees of Reclamation Districts, and their terms of office.

Read third time, and passed by the following vote:

AYES.—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Lampson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—27.

NOES.—Messrs. Conger, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pool, Sears, and Wendell—11.

Title read and approved.

Assembly Bill No. 405—An Act to promote emigration from the State of California.

Read third time, and passed by the following vote:

AYES.—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—35.

NOES.—None.

Title read and approved.

Assembly Bill No. 227—An Act authorizing the Boards of Supervisors of the counties in which water is sold for irrigation to fix the rates at which such water shall be sold.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Johnson, Kane, Moreland, Nelson, Rowell, Satterwhite, Sears, Watson, Wendell, West, and Zuck—23.

NOES—Messrs. Brown, Dickinson, George, Hittell, Hudson, Lampson, Neumann, Nye, Pardee, and Traylor—10.

Title read and approved.

Senate Bill No. 424—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, relating to the issuance of bonds by the Trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Moreland, Nelson, Neumann, Pardee, Sears, Traylor, Watson, West, and Zuck—28.

NOES—Messrs. Gorman, Nye, Rowell, Ryan, Satterwhite, and Wendell—6.

By unanimous consent the Secretary was instructed to correct a clerical error in the title to the above bill, by striking out the words "one thousand eight hundred and eighty-eight."

Title read and approved.

Senate Bill No. 475—An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck—36.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Carlock:

SENATE CHAMBER, March 23d, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly re-engrossed, the following Senate bills, viz.: Senate Bill No. 255—An Act to enable swamp lands or reclamation districts of this State to fund indebtedness, and provide for the payment of the indebtedness so funded.

Also, Senate Bill No. 296—An Act to appropriate money for the support of orphans, half-orphans, and abandoned children.

CARLOCK, for Committee.

THIRD READING OF BILLS—RESUMED.

Senate Bill No. 209 passed on the file.

Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of stock thereof, and electing other officers.

Read third time, and returned to the file.

SPECIAL ORDERS FOR TUESDAY, MARCH TWENTY-THIRD, AT THREE
O'CLOCK P. M.

Consideration of motion of Senator Hittell to reconsider passage, March seventeenth, of Senate Bill No. 58, continued, and made the special order for Thursday evening, at seven o'clock and thirty minutes, on motion of Mr. Hittell.

Mr. Johnson, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Senate Bill No. 329 was lost.

The motion to reconsider was continued, and made the special order for next Thursday evening, at seven o'clock and thirty minutes, on motion of Mr. Johnson, to follow after the motion to reconsider Senate Bill No. 58.

Consideration of Senate Bill No. 362, special order, continued.

Mr. Enos moved to amend section two hundred and eight, line eight, by striking out all after the word "him," down to and including the word "parks," in line ten.

The Chair decided the motion lost.

The ayes and noes were demanded by Messrs. Kane, Nelson, and Conger.

The Chair deciding that the ayes and noes must be called for before the decision of the Chair was finally announced, Mr. Kane appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Enos, Kane, and Kelly, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Traylor, Watson, Wendell, and Zuck—23.

NOES—Messrs. Conger, Enos, Glascock, Gorman, Kane, Nelson, Pool, Ryan, and West—9.

Decision of the Chair sustained.

Mr. Enos moved to amend section two hundred and eight, line eight, after the word "prisoners," by inserting the words "over the age of twenty-one years may."

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Nelson, with the following result:

AYES—Messrs. Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and West—28.

NOES—Messrs. Hittell, Langford, Pardee, and Zuck—4.

Adopted.

Mr. Dickinson offered the following as a substitute for section two hundred and seven:

SECTION 207. There shall be a Board of Park Commissioners of such city and county consisting of three persons, to be appointed by the Governor of this State, who shall hold their office for four years, and who shall receive no compensation for their services. In case of a vacancy, the same shall be filled by the remaining members of the Board for the residue of the term then vacant; and all vacancies occasioned by expiration of terms of office or neglect or incapacity shall be filled by the Governor aforesaid. Each of said Commissioners shall be a freeholder and resident of such city and county. Said Board shall have full and exclusive control and management of all the parks of such city and county which at the time of the organization of such city and county under this Act were treated and improved as public parks, with the avenues and great highways connected therewith. Two of said Commissioners shall constitute a quorum to do business, but no money shall be expended, or contract entered into authorizing the expenditure of money without the approval of the Mayor, or a majority of said Board of

Park Commissioners; *provided*, that the members of the present Board of Park Commissioners in any such city and county shall be the Park Commissioners under this Act until their term of office expires.

Adopted.

Mr. Enos moved to amend section two hundred and eleven by striking out the words "Board of Aldermen," and inserting the words "Municipal Council."

Lost.

Mr. Conger moved to amend section two hundred and eleven by striking out the words "Board of Aldermen," and inserting the words "House of Delegates."

Lost.

Mr. Enos offered the following as a substitute for section two hundred and twelve:

SECTION 212. In every such city or city and county there shall be a Board of Education consisting of five members, and constituted as follows: At each Gubernatorial election there shall be chosen in such city and county, by the qualified electors thereof, a Superintendent of Schools, who shall be ex officio a member and the Chairman of the Board of Education, and there shall be appointed, by the Judges of the Superior Court of such city and county, four other persons to serve as members of the Board of Education, who shall be residents of such city and county, and at least three of whom shall be teachers of not less than five years' experience in teaching in public schools.

Lost.

Mr. Kane moved to amend section two hundred and twelve by inserting as follows: "They shall receive one hundred dollars per month for their services as such Board of Education."

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Kane, with the following result:

AYES—Messrs. Conger, Enos, Gorman, Kane, Nelson, and Satterwhite—6.

NOES—Messrs. Anderson, Baker, Burt, Brown, Chase, Davis, Dickinson, George, Harlan, Hutell, Hudson, Johnson, Johnston, Kelly, Lampson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, Wendell, and Zuck—25.

Lost.

Mr. Enos moved to amend section two hundred and twelve by striking out the word "monthly," and inserting the word "weekly."

Lost.

Also, offered the following as a substitute for section two hundred and fourteen:

SECTION 214. Said Board of Education shall meet at least once in every month, and all its sessions shall be public. The Secretary of said Board shall keep records of all its proceedings, which shall be open for public inspection; and said Board of Education shall have power, and it shall be their duty, to establish schools or to discontinue or consolidate them, as the public good may require.

Second—To examine, certificate, employ, and dismiss teachers, and to determine their grade and salary.

Third—To examine, personally, the pupils of the public schools in the studies pursued in said schools at least once in each year.

Fourth—To employ and dismiss Janitors, Census Marshals, and such other employes as may be necessary, and to fix their compensation.

Fifth—To employ a Secretary, who shall hold office during the pleasure of said Board, and who shall receive a salary, to be fixed by said Board, not to exceed two hundred dollars (\$200) per month, and who shall perform such duties as may be required of him by said Board.

Sixth—To adopt text-books for use in the public schools.

Seventh—To make, establish, and enforce all necessary and proper rules and regulations not contrary to law for the government and efficiency of the public schools within said city, or consolidated city and county, the teachers thereof and the pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and to determine the course of study and the mode of instruction to be used in said schools, and to

inspect personally and report upon the methods of teaching employed by the teachers of said schools.

Eighth—To make requisitions on the local legislative body of said city, or consolidated city and county, for fuel, lights, water, text-books for indigent pupils, blanks, blank books, printing, stationery, and such other articles, materials, and supplies as may be necessary or required for use in the schools, either by teachers or by pupils, or for use in the office of the Board of Education.

Ninth—To make rules of order and by-laws for the government of the Board, its members, and committees.

Tenth—To have control of all buildings and rooms used for school purposes.

Eleventh—Generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

Lost.

Mr. Enos moved to amend section two hundred and thirteen, line forty-eight, by changing the word "ten" to the word "five."

Lost.

Also, moved to amend section two hundred and fourteen, line forty-nine, by changing the word "six" to the word "five."

Lost.

Mr. Dickinson moved to amend section two hundred and fourteen, lines nine and ten, by striking out the words "unless otherwise provided by law," where it now occurs, and insert the same after the words "the Board and," on line nine.

Adopted.

Mr. Enos moved to amend section two hundred and fourteen by striking out the words "Normal and."

Lost.

Also, moved to amend section two hundred and twenty-three, line two, by changing the word "two" to the word "one," and on line three, insert the words "and twenty-five" after the word "hundred."

Upon which the ayes and noes were demanded by Messrs. Anderson, Enos, and Conger, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Conger, Enos, Gorman, Harlan, Hill, Kane, Kelly, Langford, Nelson, Pardee, Pool, Ryan, Satterwhite, Wendell, and West—18.

NOES—Messrs. Baker, Brown, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Rowell, Sears, Traylor, Watson, and Zuck—16.

Adopted.

Mr. Moreland announced that he was paired with Mr. Cheney.

Mr. Enos moved to amend section two hundred and twenty-three by changing the word "Superintendent" to the words "to said Board."

Lost.

RECESS.

At five o'clock P. M., on motion of Mr. Johnson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Consideration of Senate Bill No. 362 resumed.

Mr. Enos moved to amend section two hundred and twenty-nine, by striking out, in line six, the words "Normal and."

Lost.

Mr. Dickinson moved to amend section two hundred and twenty-nine by inserting the word "high," before the word "normal," in line six, printed bill.

Adopted.

Mr. Enos moved a reconsideration of the vote whereby the committee amendment, in line ten, printed bill, section two hundred and thirty-five, striking out the word "twenty-five," and inserting the word "thirty-five," was adopted.

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Nelson, with the following result:

AYES—Messrs. Enos, Gorman, Kane, Kelly, Langford, Nelson, Nye, Pardee, and Ryan—9.

NOES—Messrs. Baker, Brown, Chase, Cheney, Dickinson, Hittell, Hudson, Johnson, Johnston, Rowell, Traylor, and Watson—12.

Lost.

Mr. Enos moved to amend section two hundred and thirty-five, line ten, by changing the word "thirty-five" to the word "twenty-six."

Upon which the ayes and noes were demanded by Messrs. Enos, Nelson, and Kelly, with the following result:

AYES—Messrs. Brown, Enos, Gorman, Kane, Kelly, Langford, Nelson, Nye, Pardee, and Ryan—10.

NOES—Messrs. Baker, Chase, Cheney, Dickinson, Hittell, Hudson, Johnston, Rowell, Sears, Traylor, Watson, and Wendell—12.

Lost.

Mr. Conger announced that he was paired with Mr. Neumann.

Mr. Pardee moved a call of the Senate.

Upon which the ayes and noes were demanded by Messrs. Enos, Nelson, and Kelly, with the following result:

AYES—Messrs. Cheney, Conger, Enos, Gorman, Nelson, Pardee, Ryan, and Satterwhite—8.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Dickinson, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Nye, Rowell, Sears, Traylor, and Watson—18.

Lost.

At eight o'clock and twenty minutes p. m. Mr. Enos moved to adjourn.

Lost.

Mr. Brown moved that Senate Bill No. 362 be continued, and made the special order for to-morrow morning, immediately after the calling of the roll.

Lost.

Mr. Enos moved to amend section three hundred and sixty-two by changing the words "thirty-five dollars" and insert the words "twenty-five dollars and fifty cents."

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Conger, with the following result:

AYES—Messrs. Conger, Enos, Gorman, Kane, Kelly, Langford, Nelson, and Ryan—8.

NOES—Messrs. Baker, Brown, Carlock, Chase, Cheney, Dickinson, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, and Watson—18.

Lost.

Mr. Enos moved to amend the same section by changing the word "thirty-five" to the word "thirty."

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Nelson, with the following result:

AYES—Messrs. Conger, Enos, Gorman, Johnston, Kane, Kelly, Langford, Nelson, Nye, Pardee, Ryan, Satterwhite, and Sears—13.

NOES—Messrs. Baker, Brown, Carlock, Chase, Cheney, Dickinson, Hittell, Hudson, Johnson, Lampson, Neumann, Rowell, Traylor, and Watson—14.

Lost.

Mr. Enos moved to strike out section two hundred and thirty-eight.

Lost.

Mr. Dickinson moved to amend section two hundred and thirty-nine, page eighty-four, printed bill, line ten, by striking out the word "public," and inserting in line eleven, after the word "cement," the word "ironstone."

Adopted.

At nine o'clock and thirty minutes p. m. Mr. Conger moved to adjourn.

Lost.

Mr. Dickinson moved to amend section two hundred and forty by striking out the word "public" in lines nineteen and forty-four.

Adopted.

Mr. Enos moved to amend section two hundred and forty by striking out all after the word "done."

Lost.

Mr. Dickinson moved to amend section two hundred and forty-two, lines three and nine, by striking out the word "public."

Adopted.

Mr. Dickinson moved to amend section two hundred and forty-three as follows: Strike out the word "public," on line thirty-one, printed bill.

Adopted.

Mr. Hittell moved to amend section two hundred and forty-four, as follows: After the word "transmitted," in line thirteen, printed bill, insert the words "to the Board of Aldermen."

Adopted.

ADJOURNMENT.

At ten o'clock and five minutes p. m., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 24th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

SPECIAL ORDERS FOR WEDNESDAY, MARCH TWENTY-FOURTH, AFTER READING JOURNAL, TO CONTINUE UNTIL DISPOSED OF.

Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of this State.

Mr. Enos moved to amend section two hundred and forty-nine, line one, by inserting after the word "months," the words "after notice."

Lost.

Mr. West moved to amend section two hundred and fifty, line seven, printed bill, by striking out all after the word "thereof."

Adopted.

Mr. Enos moved to amend section two hundred and fifty-two, after the word "county," in line sixteen, by inserting the words "and published five days in two daily newspapers (one morning and one evening)."

Adopted.

Also, moved to amend section two hundred and fifty-four, line five, by striking out the word "Aldermen," and inserting the words "Municipal Council;" also, in line six, by changing the word "Board" to the word "Council."

Lost.

Mr. Dickinson moved to strike out section two hundred and fifty-seven.

Carried.

Mr. Enos moved to strike out section two hundred and fifty-eight.

Lost.

Also, moved to strike out section two hundred and sixty-one.

Lost.

Mr. Pardee moved a reconsideration of the vote whereby the committee amendments to section two hundred and sixty-two were lost.

Carried.

Committee amendments adopted.

Mr. Enos moved to strike out section two hundred and sixty-three, printed bill.

Upon which the ayes and noes were demanded by Messrs. Enos, Gorman, and Kelly, with the following result:

AYES—Messrs. Conger, Enos, Gorman, Kane, Kelly, Moreland, Satterwhite, and West—8.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Pardee, Rowell, Sears, Traylor, Watson, and Zuck—22.

Lost.

Mr. Moreland, by permission, introduced the following bill: Senate Bill No. 528—An Act to amend section three thousand seven hun-

dred and fourteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue.

Read first time, ordered printed, and placed at the head of the general file for second reading.

Senate Bill No. 362 resumed.

Mr. Enos moved to amend section two hundred and sixty-four, in line fourteen, by striking out the word "five."

Lost.

Also, moved to amend section two hundred and sixty-nine, line sixteen, by striking out the word "twenty," and inserting the word "fifteen."

Adopted.

Also, offered the following as a substitute for section two hundred and seventy-six:

SECTION 276. It shall not be lawful hereafter for the Municipal Council of such city and county, or any committee, officer, or Board, having power to authorize or contract liabilities against the treasury of such city and county, to authorize, allow, contract for, pay or render payable, in the present or future, in any one month, any demand or demands against said treasury or any of the funds thereof which shall in the aggregate exceed one-twelfth part of the amount allowed by laws existing at the time of such contract, authorization, allowance, payment or liability to be expended within the fiscal year of which said month is a part. If at the beginning of any month any moneys remain unexpended in any of the funds set apart for maintaining the municipal government of such city and county, and which might lawfully have been expended the preceding month, such unexpended sums may be carried forward and expended by order of the Municipal Council in any succeeding month, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such city and county, and all officers of such city and county are charged with notice of the condition of the treasury of such city and county, and the extent of the claims against the same.

The hour for recess having arrived, it was, on motion of Mr. Johnson, continued until after the disposition of the question now under consideration.

Upon the adoption of the substitute the ayes and noes were demanded by Messrs. Enos, Conger, and Nelson, with the following result:

AYES—Messrs. Anderson, Burt, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pool, Satterwhite, and West—17.

NOES—Messrs. Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Pardee, Rowell, Sears, Traylor, Watson, and Zuck—19.

Lost.

RECESS.

At twelve o'clock and thirty-three minutes P. M. the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Consideration of motion of Senator Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204, passed on the file.

Senate Bill No. 255—An Act to enable the swamp land or reclamation districts of this State to fund indebtedness, and to provide for the payment of indebtedness so funded.

Mr. Glascock moved to indefinitely postpone the same.

Mr. Johnson moved that the bill be made the special order for to-morrow, at one o'clock and thirty minutes P. M.

Senate Bill No. 144 passed on the file.

Senate Bill No. 209 passed on the file.

Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of stock thereof, and electing other officers.

Mr. Conger moved that the same be recommitted to the Committee on Corporations, with special instructions.

Lost.

The bill having been previously read third time, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Davis, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Pardee, Satterwhite, Sears, Traylor, Watson, West, and Zuck—27.

NOES—Messrs. Conger, Enos, Kane, Langford, Nelson, and Pool—6.

Title read and approved.

Senate Bill No. 260—An Act to repeal section one thousand four hundred and twenty-two of the Civil Code.

Read third time, and lost by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Davis, Enos, Gorman, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Nye, Rowell, Ryan, and Satterwhite—18.

NOES—Messrs. Brown, Carlock, Cheney, Conger, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Neumann, Pardee, Pool, Sears, Traylor, Watson, West, and Zuck—19.

Senate Bill No. 439—An Act to form agricultural districts, and to provide for the organization of agricultural associations therein, and for the management and control of the same by the State.

On motion of Mr. Pardee, the Secretary was instructed to correct a clerical error in section eleven.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—31.

NOES—Messrs. Chase, Glascock, Gorman, Kane, Moreland, Nelson, and Satterwhite—7.

Title read and approved.

Mr. West gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 360 was lost.

Assembly Bill No. 109—An Act permitting and authorizing railway and other corporations organized under the laws of any State or Territory of the United States of America, or any Act of Congress of the United States of America, to do business in this State on the same terms as railway corporations organized under the laws of this State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—27.

NOES—Messrs. Burt, Chase, Hill, Johnston, Kane, Lampson, Langford, Moreland, Nye, and Rowell—10.

Title read and approved.

Assembly Bill No. 95—An Act to repeal an Act entitled "An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda," approved February twenty-fifth, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, and Zuck—35.

NOES—Mr. Glascock—1.

Title read and approved.

Assembly Bill No. 57—An Act to repeal an Act entitled "An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days," approved March seventh, eighteen hundred and seventy-six.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—34.

NOES—Messrs. Enos and Glascock—2.

Title read and approved.

Assembly Bill No. 48 passed on the file.

SECOND READING OF BILLS.

Senate Bill No. 62—An Act to provide for the speedy completion of the State Prison at Folsom.

Passed on the file.

Senate Bill No. 40—An Act to repeal an Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five.

Read second time, and bill ordered engrossed.

Senate Bill No. 41—An Act to amend section one thousand five hundred and three, and to repeal section one thousand four hundred and ninety-five, of the Political Code, relating to the State Normal School.

Read second time, and bill ordered engrossed.

Senate Bill No. 220—An Act for the protection of certain kinds of fish.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 132—An Act to appropriate moneys out of the Gen-

eral Fund in the State treasury to pay the Clerk of the State Board of Equalization for services rendered as such Clerk.

Mr. Nye moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Johnson, Nye, and Harlan, with the following result:

AYES—Messrs. Burt, Brown, Chase, Dickinson, George, Hill, Hittell, Hudson, Kane, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—19.

NOES—Messrs. Anderson, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Johnston, Kelly, Langford, Nelson, Pool, Satterwhite, and Traylor—15.

Carried.

Mr. Johnson announced that he was paired with Mr. Baker, stating also that Mr. Baker would vote aye and that he would vote no.

Mr. Ryan gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 132 was indefinitely postponed.

Consideration of Senate Bill No. 362 resumed.

Mr. Enos offered the following as a substitute for section two hundred and seventy-seven:

SECTION 277. It is hereby made the duty of the Superintendent of Streets of such city and county to keep an exact account of all street work upon accepted streets, as well as every other expenditure chargeable to or payable out of the Street Department Fund, or expended under the supervision of said Superintendent in any manner whatsoever, and for that purpose he shall have the power to demand and receive from every other city and county officer detailed statements, in writing, when necessary to keep said account, and it is hereby made the duty of any and all officers to furnish said Street Superintendent said statements when demanded. Such account so kept by said Superintendent shall show every contract for street work and authorization of expenditure from their incipency through the various stages of their progress to completion, with the amount to be paid for the same, so far as the same is capable of exact estimation, and when not a sworn estimate of the probable cost. Said account shall be kept constantly posted up to date, so that it can be known exactly at any time what part or proportion of the monthly sum allowed by this Act and existing laws has been contracted for, paid, or rendered liable to pay in the present and future. Whenever at any time the contracts performed or unperformed, lawful claims due or to become due, exceed the amount that can lawfully be expended during any one month, the Superintendent of Streets shall give notice, in writing, to the Auditor and Treasurer of such city and county, and also the Municipal Council, by notice, in writing, served upon the Clerks of said Council. Notice of the fact that the legal limit of expenditure for the month has been reached, and that no more claims can be lawfully contracted, shall be posted in a conspicuous place in the Street Superintendent's office by said officer, and in the office of the said Clerks by said Clerks.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Nelson, with the following result:

AYES—Messrs. Conger, Enos, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and West—12.

NOES—Messrs. Burt, Brown, Chase, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnston, Johnston, Neumann, Nye, Pardee, Rowell, Sears, Traylor, and Watson—18.

Lost.

Mr. Dickinson moved to amend section two hundred and seventy-seven by striking out lines one, two, and three, together with all amendments thereto, down to and including the word "work," and insert as follows: "Section 277. It is the duty of the Building Committee, the Superintendent of Schools, and the Surveyor, to keep an exact account of all street and sewer work upon accepted streets, as well as."

Adopted.

Mr. Enos offered the following as a substitute for section two hundred and seventy-eight:

SECTION 278. Any failure or neglect on the part of the Superintendent of Streets to comply with any of the provisions of this Act shall render him liable personally, and upon his official bond, to any contractor or other person suffering damage by his said failure or neglect. All members of the Municipal Council, as well as the Auditor and any other officer authorizing or aiding to authorize, or auditing, or allowing any claim or demand upon or against said treasury, or any fund thereof, in violation of any of the provisions of this Act, shall be liable in person, and upon their several official bonds, to the contractor damaged by such illegal authorization to the extent of his loss by reason of the non-payment of his claim. The Treasurer paying any claim authorized, allowed, or audited in violation of this provision shall be liable on his official bond to refund the same to the city and county treasury. In case of great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, insurrection, or other great and unforeseen emergency, the provision of section two hundred and seventy-six may be suspended, as to any lawful contract, authorization, or expenditure, necessary to avert, mitigate, or relieve such evil; *provided*, that such expenditure, contract, or authorization, shall be passed by the unanimous vote of all the members of the Municipal Council, Directors, Commissioners, or other officers, and entered in the journals, and approved by the Mayor, the Auditor, and the Treasurer, and the notice of the emergency must be recited in the resolution authorizing such action.

Upon which the ayes and noes were demanded by Messrs. Enos, Nelson, and Kelly, with the following result:

AYES—Messrs. Anderson, Conger, Enos, Gorman, Harlan, Kane, Kelly, Nelson, Pool, Ryan, and Satterwhite—11.

NOES—Messrs. Baker, Burt, Brown, Carlock, Chase, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, West, and Zuck—21.

Lost.

Mr. Enos moved to amend section two hundred and eighty of printed bill, wherever it occurs, by changing the words "Board of Aldermen" to "Municipal Council," except on line nine.

Mr. Conger moved as an amendment to the amendment that, in line two, section two hundred and eighty, the words "Board of Aldermen" be stricken out, and insert instead thereof the words "House of Delegates, subject to the approval of the Board of Aldermen."

Adopted.

Mr. Traylor offered the following as a substitute for section two hundred and seventy-nine, printed bill:

SECTION 279. In case of any great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, insurrection, or other great and unforeseen emergency, the provisions of said Act may be temporarily suspended, as to any lawful contract, authorization, or expenditure necessary to avert, mitigate, or relieve such evil; *provided*, that such expenditure, contract, or authorization, shall be passed by the unanimous vote of all members elected or appointed to each house of the Municipal Council, and entered in the Journals of each house, and the character and fact of such emergency must be recited in the ordinance authorizing such action, and such ordinance must be approved by the Mayor, Auditor, and Treasurer of such city and county.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Nelson, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Conger, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—29.

NOES—Messrs. Burt, Chase, Davis, Hill, and Rowell—5.

Adopted.

Mr. Enos moved to amend section two hundred and eighty-five, of printed bill, line one, as follows: Change the words "County Clerk" to the words "Mayor, subject to confirmation by the Municipal Council."

Lost.

Also, moved to amend section two hundred and eighty-five, of printed bill, line one, as follows: Change the words "County Clerk" to the words "Judges of the Superior Court."

Adopted.

Mr. Dickinson moved to amend section five by striking out the word "Governor," and inserting the words "Mayor of such city and county;" and striking out all other amendments heretofore adopted except the last amendment.

Adopted.

Mr. Dickinson moved to amend section three hundred and ten by inserting the word "administration," and the words "care and maintenance."

Adopted.

Also, amend section thirty-four, line three hundred and fourteen, after the word "regulations," by adding, "and to authorize the appointment of such additional clerks, assistant deputies, and employes as in their judgment may be necessary for the proper discharge of the duties of such offices and departments."

Adopted.

Also, strike out in section thirty-five, printed bill, all after the word "enforced," in line eighteen.

Adopted.

Also, add to section eighty-three, as amended, the words, "and nothing in this Act shall in any manner affect the salary of any officer in office at the time the same shall take effect, except that there shall be no invasion thereof;" also, amend by striking out the word "section," of amended bill, in section eighty-three, line two, and insert instead the word "Act."

Adopted.

Also, offered the following as a substitute for section eighty-six, and all its amendments:

SECTION 86. The conduct, management, and control of elections and matters pertaining to elections in such city and county, shall be vested in a committee of five members, three of whom shall be chosen by and from the Board of Aldermen and two of whom shall be chosen by and from the House of Delegates, which committee shall be and be known as the Board of Election Directors, which Board shall have the direction, charge, and supervision of all matters pertaining to elections, and the Election Commissioner hereafter provided for shall be ex officio Secretary of said Board, and shall give advice and information to said Board when required by them so to do.

Upon which the ayes and noes were demanded by Messrs. Enos, Nelson, and Conger, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, and Zuck—22.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—16.

Adopted.

Mr. Sears moved to amend section one hundred and eighty-nine by inserting the following: "*Provided*, said quarantine grounds and hospitals shall not be established within one mile of the main land on the north side of the Bay of San Francisco."

Upon which the ayes and noes were demanded by Messrs. Sears, Davis, and Enos, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Davis, George, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nye, Sears, Traylor, and West—21.

NOES—Messrs. Burt, Chase, Conger, Dickinson, Enos, Hill, Hittell, Lampson, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Watson, and Zuck—16.

Adopted.

Mr. Dickinson moved to amend section one hundred and thirty-two by striking out, in line eleven, the words "legal representatives" and inserting in lieu thereof the word "heirs."

Adopted.

Also, add the word "high," in line six, of section two hundred and fourteen, of printed bill.

Adopted.

Mr. Conger moved to amend section one hundred and fifty-six, line ten, by inserting after the word "action" the words "said reports to be recorded in full by the Clerk of said Board in a book to be kept for that purpose."

Lost.

Mr. Dickinson moved to amend section one hundred and twenty-five by striking out the words "a reputable physician," and inserting the words "any reputable physicians designated by said Board of Police Commissioners."

Adopted.

Mr. Hittell offered the following as a substitute for section eighty-eight:

SECTION 88. There shall be appointed by the Governor of the State of California, from among the citizens of such city and county, within twenty days next prior to the first Monday in May, eighteen hundred and eighty, and every four years thereafter, an Election Commissioner, who shall possess the same qualifications as to eligibility as are herein prescribed for members of the Board of Aldermen, who shall hold office from the time of his appointment and until his successor shall be appointed and qualified, and said appointee shall be the successor of the present "Registrar of Voters" of such city and county. In case of vacancy in the office of Election Commissioner, by removal or otherwise, the Governor shall, by appointment, fill such vacancy. The Municipal Council shall provide a suitable office for said Election Commissioner, and such allowance for stationery, printing, and incidental expenses as shall be necessary. The Election Commissioner shall give bond, with at least two sureties, in the sum of ten thousand dollars, conditioned for the faithful performance of his duty, and the duties of his deputies and clerks, which bond shall be approved in the same manner as other bonds.

Mr. Neumann offered the following as an amendment to the amendment:

SECTION 88. There shall be appointed by the Governor of the State of California, from among the citizens of such city and county, (within twenty days next prior to the first Monday in July, eighteen hundred and eighty-two, and every four years thereafter, an Election Commissioner, who shall possess the same qualifications as to eligibility as are herein prescribed for members of the Board of Aldermen, who shall hold office from the time of his appointment and until his successor shall be appointed and qualified, and said appointee shall be the successor of the present "Registrar of Voters" of such city and county. Such "Registrar of Voters" shall perform the duties of the Election Commissioner as prescribed by this Act, and his term of office shall terminate on said first Monday in July, eighteen hundred and eighty-two. The Municipal Council shall provide a suitable office for said Election Commissioner, and such allowance for stationery, printing, and incidental expenses as shall be necessary. The Election Commissioner shall give bond, with at least two sureties, in the sum of ten thousand dollars, conditioned for the faithful performance of his duty, and the duties of his deputies and clerks, which bond shall be approved in the same manner as other bonds.

RECESS.

At five o'clock P. M., on motion of Mr. Davis, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M.
President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

Senate Bill No. 362 resumed.

Mr. Satterwhite introduced the following resolution, by permission:

Resolved, That Hank Jones be and he is hereby allowed the sum of fifty-two dollars for services rendered as Porter, from the ninth day of January to the twenty-first day of January, eighteen hundred and eighty, payable out of the appropriation for the contingent expenses of the Senate.

Read, and referred to the Committee on Contingent Expenses and Mileage.

By Mr. Carlock (by leave):

Resolved, That the Senate ratify the appointment of Major Thomas Williams, as Watchman and Outside Doorkeeper of the Senate Chamber, and that he be allowed two dollars per diem from the fifth day of January, eighteen hundred and eighty, payable out of the Contingent Fund of the Senate.

Read, and referred to the Committee on Contingent Expenses and Mileage.

Upon the substitute, as offered by Mr. Neumann, to section eighty-eight, the ayes and noes were demanded by Messrs. Enos, Hittell, and Neumann, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Dickinson, Enos, George, Glascock, Harlan, Hill, Hudson, Johnston, Kelly, Langford, Nelson, Neumann, Nye, Satterwhite, Sears, Traylor, West, and Zuck—24.

NOES—Messrs. Anderson, Davis, Gorman, Hittell, Johnson, Kane, Moreland, Rowell, and Ryan—9.

Adopted.

Upon the adoption of substitute to section eighty-eight, offered by Mr. Hittell, the ayes and noes were demanded by Messrs. Enos, Kelly, and Conger, with the following result:

AYES—Messrs. Hittell, Johnson, Langford, and Rowell—4.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Pool, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—29.

Lost.

Mr. Burt moved to amend section eighty-four, line thirty-five, subdivision six, by striking out the words "two thousand one hundred," and inserting the words "one thousand eight hundred."

Adopted.

Mr. Conger moved to amend section one hundred and fifty-six by inserting after the word "action," line ten, the words "which reports

shall be filed and presented as a matter of record by the Clerk of said Board.

Lost.

Mr. Enos moved to amend section two hundred and eighty-eight by substituting the following:

SECTION 288. It shall be the duty of the Board of Supervisors, or other governing body, of any city and county in this State having a population of over one hundred thousand, upon the passage of this Act, to cause the same to be published in one or more daily newspapers of general circulation in such city and county, for not less than ten days, for public information. Said Board, and officers having charge or control of elections, are required to take the necessary proceedings to submit the question to the qualified voters of such city and county at the next general State election after said publication, and said question shall be so submitted whether or not they will adopt the provisions of this Act and reorganize such city and county under the same. If, at such election, a majority of the votes cast upon the question are in favor of such adoption and reorganization, then the Mayor shall, as soon as the fact is ascertained, issue a proclamation to that effect, from the issuance of which proclamation such city and county shall be deemed to be governed by the provisions of this Act, and to be duly reorganized thereunder. The officers herein provided to be chosen by popular election shall be voted for at such election, and the result ascertained and declared in the manner that other election results are ascertained and declared; and such officers, if such vote upon the question of reorganization is in the affirmative, shall be deemed to be elected, and to hold office under such reorganized municipal government, and the laws governing the same contained in this Act, and the Constitution, and the laws and ordinances in force in such city and county, so far as the same are not inconsistent with, or repealed, or modified hereby.

Upon which the ayes and noes were demanded by Messrs. Enos, Kelly, and Nelson, with the following result:

AYES—Messrs. Burt, Conger, Enos, Glasecock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, and West—16.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Travler, Watson, and Zuck—21.

Lost.

Mr. Dickinson offered the following resolution, by leave:

Resolved, The Secretary is hereby directed to number or re-number the sections and subdivisions of sections in Senate Bill No. 362 so that the same shall be consecutive.

Adopted.

Mr. Rowell moved to amend section two, line seven, page two, printed bill, by striking out the word "mortgage."

Adopted.

Also, moved to amend section one hundred and seventy-six, lines eighteen, nineteen, and twenty, page sixty-six, printed bill, as follows: Amend section one hundred and seventy-six by inserting instead of lines eighteen, nineteen, and twenty, page sixty-six, printed bill, the following: "Two physicians and two surgeons to be selected by the faculty of the medical department of the University of California, and two surgeons to be selected by the faculty of the Pacific Medical College, to serve without pay as visiting physicians and surgeons to the City and County Hospital."

Adopted.

Bill read second time.

Mr. Enos moved to strike out the enacting clause.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Nelson, with the following result:

AYES—Messrs. Burt, Conger, Enos, Glasecock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—15.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, West, and Zuck—22.

Lost.

Upon the question, "Shall the bill be engrossed and read third time?" the ayes and noes were demanded by Messrs. Enos, Kelly, and Nelson, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, West, and Zuck—22.

NOES—Messrs. Burt, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Pool, and Ryan—14.

Carried.

Bill ordered engrossed.

Mr. Satterwhite announced that he was paired with Mr. Chase, Mr. Satterwhite voting against the question of engrossment, Mr. Chase voting for the same.

At eight o'clock and forty-five minutes P. M. Mr. Enos moved to adjourn.

Lost.

Mr. Johnson moved to take up Assembly messages.

Carried.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 24th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-third, eighteen hundred and eighty, passed Assembly Bill No. 17—An Act for the protection of patients from extortion by dishonest physicians and druggists.

Assembly Bill No. 134—An Act to amend section three hundred and one of the Penal Code, in relation to keeping open places of business on Sunday.

Assembly Bill No. 325—An Act to add a section to the Penal Code, to be known as section five hundred and ninety-nine, relative to malicious mischief.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 17, above reported, read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 134, above reported, read first time, and referred to the Committee on Public Morals.

Assembly Bill No. 325, above reported, read first time, and referred to the Committee on Agriculture.

Mr. Kane moved a call of the Senate.

Lost.

At eight o'clock and fifty-five minutes P. M. Mr. Kane moved to adjourn.

Lost.

ASSEMBLY CHAMBER, SACRAMENTO, March 23d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-third, eighteen hundred and eighty, passed Assembly Bill No. 181—An Act to amend sections three hundred and fifty-two, three thousand six hundred and ninety-two, and three thousand seven hundred and two, of the Political Code of California, and to add new sections thereto, to be numbered sections three thousand six hundred and ninety-three, three thousand six hundred and ninety-five, and three thousand seven hundred, all relating to the State Board of Equalization.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 181, above reported, read first time.

Mr. Satterwhite moved that the bill be ordered on the general file for second reading.

Lost.

Bill ordered referred to the Committee on Finance, with instruction to report the same back Friday morning.

Mr. Johnston moved a call of the Senate.

Lost.

ASSEMBLY CHAMBER, SACRAMENTO, March 23d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-second, eighteen hundred and eighty, passed Assembly Bill No. 393—An Act to provide for the auditing and payment of the county portion of the salary of Superior Judges.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 393, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 17, on motion of Mr. Johnson, was referred to the Committee on Hospitals.

ASSEMBLY CHAMBER, SACRAMENTO, March 23d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-third, eighteen hundred and eighty, refused to concur in Senate Concurrent Resolution No. 27, relative to printing extra copies of the revenue law in statute form, for the reason that the Assembly, on March twenty-second, eighteen hundred and eighty, ordered printed two thousand copies of said law for the use of the Assembly.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 23d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-third, eighteen hundred and eighty, adopted the report of the Committee of Conference upon Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one, to take the place thereof in said Code, relating to Courts of justice, and the various officers connected therewith—and in accordance with said report receded from Assembly amendments numbers ten, fifteen, seventeen, twenty-four, twenty-seven, forty-one, forty-two, forty-five, fifty-one, fifty-two, and fifty-four, to said bill.

J. M. WRIGHT, Assistant Clerk.

At nine o'clock and eleven minutes P. M. Mr. Traylor moved to adjourn.

Lost.

SECOND READING OF BILLS.

Assembly Bill No. 62—An Act to declare valid writs, process, and certificates issued by the Superior Courts of this State, or the Clerks thereof, before such Courts shall have been legally provided with seals.

Bill read second time, and ordered on the general file for third reading.

Senate Bill No. 325 indefinitely postponed.

Senate Bill No. 326 indefinitely postponed.

Senate Bill No. 327 indefinitely postponed.

Senate Bill No. 330—An Act to amend section seven hundred and thirty-nine of the Code of Civil Procedure, relating to actions to determine conflicting claims to real property.

Bill read second time, and ordered engrossed.

Senate Bill No. 366—An Act to amend section six hundred and seven of the Penal Code, relating to malicious mischief.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 43—An Act to amend section one thousand one hundred and eighty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the liens of mechanics and others upon real property.

Bill read second time.

Senate considered as in Committee of the Whole.

Mr. Gorman moved to consider the above bill in the Senate.

Carried.

Mr. Nye offered the following as a substitute for the committee amendment to section one: "This lien shall not be affected by the fact that no money is due or to become due on any contract made by the owner with any other party."

Upon which the ayes and noes were demanded by Messrs. Sears, Conger, and Gorman, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Conger, Enos, Gorman, Hill, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, West, and Zuck—21.

NOES—Messrs. Davis, Dickinson, George, Harlan, Hittell, Hudson, Neumann, and Watson—8.

Adopted.

Bill ordered engrossed.

Senate Bill No. 160—An Act to amend sections one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and ninety, and one thousand one hundred and ninety-five, of the Code of Civil Procedure, and to add a new section to said Code, relating to liens of mechanics and others upon real property.

Bill read second time, and ordered engrossed.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 24th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 251—An Act to provide for funding and refunding county indebtedness.

Senate Bill No. 246—An Act to provide for the election of trustees in swamp or reclamation districts in cases where there is no acting board, and to provide for future elections or appointment of trustees in such districts.

Senate Bill No. 340—An Act to protect public schools.

Senate Bill No. 271—An Act to amend section four hundred and forty-nine of the Code of Civil Procedure.

Senate Bill No. 295—An Act to discourage and prohibit corporations and individuals from holding large tracts of land.

Senate Bill No. 287—An Act to amend section one thousand four hundred and ninety-one of the Code of Civil Procedure, relating to claims against the estates of deceased persons.

CHENEY, Chairman.

ADJOURNMENT.

At ten o'clock and one minute P. M., on motion of Mr. Brown, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Thursday, March 25th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messes, Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

PETITIONS.

By Mr. Chase—Three petitions from residents of Santa Barbara County, asking for the passage of a local option law.

Read, and referred to the Committee on County and Town Governments.

By Mr. Davis—Five petitions from residents of Marysville, asking the passage of Senate Bill No. 344, introduced by Mr. Davis, and Senate Bills Nos. 237, 238, and 239, introduced by Mr. Johnson, relative to hydraulic mining.

Read, and referred to the Committee on Irrigation, Water Rights, and Drainage.

By Mr. Burt—A petition from residents of Placer County, asking that no bill be passed requiring unpaid firemen to pay a poll tax.

Read, and referred to the Committee on Finance.

REPORTS OF STANDING COMMITTEES.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, March 25th, 1880.

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 297—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-six, three thousand four hundred and seventy-one, and three thousand four hundred and eighty-one, of the Political Code—have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute.

JOHNSTON, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 25th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 181—An Act to amend sections three hundred and twenty-nine, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight, of the Code of Civil Procedure, relating to the venue in civil actions—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 110—An Act to add a new section to the Code of Civil Procedure, relating to the place of commencement of certain actions—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 111—An Act to amend sections three hundred and ninety-four and

three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 511—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relative to writs of prohibition—report the same back, and recommend its passage.

By Mr. Rowell:

NYE, Chairman.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 417—relating to the relief of poor and needy persons—herewith report the same back, and recommend its passage.

ROWELL, Chairman.

INTRODUCTION OF A BILL.

By Mr. Enos—Senate Bill No. 529—An Act to encourage persons capable of becoming citizens of the United States to become such.

Read first time, and referred to the Committee on Corporations.

SECOND READING OF BILLS.

Senate Bill No. 528—An Act to amend section three thousand seven hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.

Read second time, and ordered engrossed.

Senate Bill No. 63 passed on file.

Senate Bill No. 363—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Read second time.

Mr. Nye moved to indefinitely postpone.

Upon which the ayes and noes were demanded by Messrs. Burt, Zuck, and Nye, with the following result:

AYES—MESSRS. Burt, Brown, Dickinson, Enos, Harlan, Hill, Hittell, Hudson, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Wendell, West, and Zuck—20.
NOES—MESSRS. Anderson, Carlock, Chase, Conger, Davis, George, Glasecock, Gorman, Johnson, Kane, Kelly, Langford, Nelson, Ryan, and Watson—15.

Carried.

Mr. Johnson announced he was paired with Mr. Baker.

Mr. Enos changed his vote from no to aye, and gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 363 was indefinitely postponed.

Leave of absence was granted Mr. Zuck until one o'clock and thirty minutes P. M.

Senate Bill No. 167—An Act repealing an Act conferring further powers to the Board of Supervisors of the City and County of San Francisco.

Read second time, and ordered engrossed.

Senate Bill No. 134—An Act for the classification of cities and towns.

Mr. Hittell moved to pass on the file until Saturday.

Carried.

Assembly Bill No. 22—An Act to provide for the receipt and appropriation of donations to the State or counties, or cities and counties, or cities or towns therein.

Read second time, and ordered on the general file for third reading.

Senate Bill No. 219—An Act to amend section three of an Act entitled an Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four.

Read second time, and bill ordered engrossed.

Senate Bill No. 233—An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroner's inquests in said Prison.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

REPORT FROM COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and find correctly enrolled, Senate Bills Nos. 112, 141, 158, and 296—and that they have been placed in the hands of the Governor at ten o'clock and forty-five minutes A. M.

HUDSON, Chairman.

SECOND READING OF BILLS—RESUMED.

Senate Bill No. 351—An Act to punish decoys.

Read second time, and ordered engrossed.

Senate Bill No. 264—An Act prohibiting the admission of minors to houses of prostitution, or to houses or rooms resorted to for the purpose of prostitution.

Bill read second time.

Mr. Nye moved to refer the above bill to the Judiciary Committee, with instructions to make it a part of the Penal Code, and return to-morrow morning.

Carried.

Senate Bill No. 267—An Act to suppress pigeon shooting and similar sports.

On motion of Mr. Johnson, indefinitely postponed.

Senate Concurrent Resolution No. 25—Relative to appointment of three members of the State Board of Health to consider the subject of a hospital for consumptives.

Read second time, and ordered engrossed.

Assembly Bill No. 279—An Act to declare the Mokelumne River navigable.

Read second time, and ordered on the general file for third reading.

Senate Bill No. 129—An Act to confer jurisdiction on the Superior Courts in certain special cases.

Withdrawn by the author with consent of the Senate.

Senate Bill No. 370—An Act to adjudicate certain claims, and to provide for the payment of the same.

Title and first section read.

Mr. Nye moved to indefinitely postpone.

Mr. Gorman moved to recommit to the Judiciary Committee.

RECESS.

Pending the consideration of the same, the Senate, at twelve o'clock and twenty-eight minutes P. M., on motion of Mr. Pardee, took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

Quorum present.

On motion of Mr. Zuck, leave of absence was granted Mr. Baker until three o'clock P. M. to-morrow.

THIRD READING OF BILLS.

Consideration of motion of Mr. Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204, passed on the file.

Senate Bill No. 255 passed on the file.

Senate Bill No. 144—An Act to amend section three hundred and fifty-nine of the Civil Code, providing for the increase of the capital stock of corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck—32.

NOES—Mr. Glascock—1.

Title read and approved.

Senate Bill No. 209—An Act to empower Justices of the Peace to hold inquests concerning fires.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—34.

NOES—Messrs. Satterwhite and Wendell—2.

Title read and approved.

Assembly Bill No. 48—An Act to amend an Act entitled "An Act relating to mutual, beneficial, and relief associations," approved March twenty-eighth, eighteen hundred and seventy-four.

Passed on the file until to-morrow.

Senate Bill No. 251—An Act to provide for funding and refunding county indebtedness.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—31.

NOES—Messrs. Enos and Kelly—2.

Title read and approved.

Senate Bill No. 246—An Act to provide for the election of trustees in swamp or reclamation districts in cases where there is no acting

board, and to provide for future elections or appointment of trustees in such districts.

Mr. Glascock moved to recommit to author, with instructions to amend.

Carried.

Senate Bill No. 340—An Act to protect public schools.

Mr. Hittell moved to recommit, with instructions to amend.

Lost.

Read third time, and passed by the following vote:

AYES—Messrs. Burt, Carlock, Chase, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Lampson, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—24.

NOES—Messrs. Anderson, Cheney, Enos, Hittell, Hudson, Kane, Langford, Nelson, Neumann, and Satterwhite—10.

Title read and approved.

Senate Bill No. 271—An Act to amend section four hundred and forty-nine of the Code of Civil Procedure.

Leave of absence granted Mr. Traylor until Monday, at three o'clock P. M.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—33.

NOES—None.

Title read and approved.

Senate Bill No. 295—An Act to discourage and prohibit corporations and individuals from holding large tracts of land.

By unanimous consent the Secretary was instructed to insert the words "five thousand" in section two, of Senate Bill No. 295.

Read third time, and lost by the following vote:

AYES—Messrs. Chase, Cheney, Conger, Enos, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Satterwhite, and West—12.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Davis, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Sears, Watson, and Zuck—21.

Mr. Hittell moved to suspend the rules, and finish the third reading file.

Upon which the roll was called with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—30.

NOES—Messrs. Brown, Gorman, and Johnson—3.

Carried.

Pursuant to notice, given on yesterday, Mr. West now moved a reconsideration of the vote whereby Senate Bill No. 360 was lost.

Upon which the ayes and noes were demanded by Messrs. Neumann, Pardee, and West, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Davis, Enos, George, Gorman, Harlan, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Rowell, Satterwhite, and West—18.

NOES—Messrs. Brown, Carlock, Cheney, Conger, Dickinson, Glascock, Hill, Hittell, Hudson, Neumann, Pardee, Pool, Ryan, Watson, and Zuck—15.

Carried.

Mr. West moved that Senate Bill No. 360 be placed at the head of the file for third reading to-morrow.

Carried.

Senate Bill No. 287—An Act to amend section one thousand four hundred and ninety-one of the Code of Civil Procedure, relating to claims against the estates of deceased persons.

Read third time, and passed by the following vote:

AYES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Johnson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—30.

NOES—Messrs. Enos, Kane, Kelly, and Nelson—4.

Title read and approved.

Assembly Bill No. 62—An Act to declare valid writs, process, and certificates issued by the Superior Courts of this State, or the Clerks thereof, before such Courts shall have been legally provided with seals.

Read third time, and passed by the following vote:

AYES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—29.

NOES—Messrs. Enos, Kelly, Langford, and Nelson—4.

Title read and approved.

REPORT FROM COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 25th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly re-engrossed, the following Senate bill, viz: Senate Bill No. 118—An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one, to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith.

CHENEY, Chairman.

Mr. Watson, by leave, offered the following report from the Committee on State Prison:

SENATE CHAMBER, SACRAMENTO, March 23d, 1880.

MR. PRESIDENT: Your Committee on State Prison, to whom was referred Assembly Bill No. 200—An Act to amend sections one thousand six hundred and thirteen and one thousand six hundred and fourteen of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and to add a new section thereto, to be known as section one thousand six hundred and fifteen, relative to working prisoners confined in county jails—have had the same under consideration, and herewith report it back with an amendment, and recommend its passage as amended.

WATSON, Chairman.

Mr. Johnson, by leave, offered the following report from the Committee on Finance:

SENATE CHAMBER, SACRAMENTO, March 25th, 1880.

MR. PRESIDENT: Your Finance Committee, having had under consideration Senate Bill No. 519—An Act entitled "An Act appropriating one hundred dollars per month for the purpose of procuring suitable rooms for Hastings College of the Law"—report the same back, and recommend its passage.

PARDEE, Chairman.

By permission, Mr. Carlock offered the following report from the Committee on Fisheries and Game:

SENATE CHAMBER, March 24th, 1880.

MR. PRESIDENT: Your Committee on Fisheries and Game, to whom was referred Senate Bill No. 509—entitled an Act to provide for the importation and protection of song and game birds—have had the same under consideration, and report it back without recommendation.

CARLOCK, Chairman.

Also:

SENATE CHAMBER, March 24th, 1880.

MR. PRESIDENT: Your Committee on Fisheries and Game, to whom was referred Senate Bill No. 104—entitled an Act to amend section six hundred and thirty-four of the Penal Code, relating to the violation of the law for the preservation of fish—have had the same under consideration, and report it back without recommendation.

CARLOCK, Chairman.

Pursuant to notice of reconsideration, given by him yesterday, Mr. Ryan now moved that the reconsideration of the vote whereby Senate Bill No. 132 was lost be made the special order for Monday evening, at seven o'clock and thirty minutes P. M.

Carried.

At four o'clock and forty minutes P. M. Mr. Satterwhite moved that when the Senate adjourned it adjourn until to-morrow, at ten o'clock A. M.

Upon which the ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Glascock, Gorman, Harlan, Hittell, Johnston, Kelly, Nelson, Nye, Pardee, Pool, Satterwhite, and Zuck—16.

NOES—Messrs. Burt, Brown, Davis, Dickinson, Enos, George, Hill, Hudson, Johnson, Kane, Langford, Moreland, Neumann, Rowell, Ryan, and Sears—16.

Lost.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 25th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-fourth, eighteen hundred and eighty, amended, and on March twenty-fifth, eighteen hundred and eighty, passed as amended, Senate Bill No. 354—An Act to add a new section to the Political Code, to be known as section one thousand six hundred and eighteen, relating to salaries of school teachers in cities having one hundred thousand inhabitants or more.

Also, that on March thirteenth, eighteen hundred and eighty, the Assembly amended, and on March twenty-fifth, eighteen hundred and eighty, passed as amended, Senate Bill No. 192—An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

J. M. WRIGHT, Assistant Clerk.

Assembly amendments to Senate Bill No. 354, on motion of Mr. Johnson, concurred in by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Ryan, Satterwhite, Watson, and Zuck—28.

NOES—Messrs. Glascock, Moreland, Nye, Rowell, Sears, and West—6.

Carried.

The Assembly amendments to Senate Bill No. 192, on motion of Mr. Johnson, concurred in by the following vote:

AYES—Messrs. Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Ryan, Satterwhite, Sears, Watson, and West—26.

NOES—Messrs. Anderson, Harlan, Hittell, Hudson, Pardee, Rowell, and Zuck—7.

RECESS.

At four o'clock and fifty minutes P. M., on motion of Mr. Dickinson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. Mr. Sears in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

SPECIAL ORDERS FOR SEVEN O'CLOCK AND THIRTY MINUTES P. M.

Consideration of motion of Mr. Hittell to reconsider passage, March seventeenth, of Senate Bill No. 58.

On motion of Mr. Hittell, made the special order for Monday at three o'clock and thirty minutes P. M.

Consideration of motion of Mr. Johnson to reconsider indefinite postponement, March twenty-second, eighteen hundred and eighty, of Senate Bill No. 329.

On motion of Mr. Johnson, made the special order for Monday at two o'clock and thirty minutes P. M.

SECOND READING OF BILLS—RESUMED.

Mr. Gorman withdrew his motion to recommit Senate Bill No. 370 to the Judiciary Committee.

The question now recurring upon the motion of Mr. Nye to indefinitely postpone Senate Bill No. 370, the ayes and noes were demanded by Messrs. Hill, Hittell, and Johnson, with the following result:

AYES—Messrs. Burt, Conger, Dickinson, Harlan, Hill, Hittell, Neumann, Nye, Rowell, Sears, and Zuck—11.

NOES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Enos, George, Gorman, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Ryan, Satterwhite, Watson, and West—23.

Lost.

The question now recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Johnson, Dickinson, and Neumann, with the following result:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Enos, George, Gorman, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Pool, Ryan, Satterwhite, Watson, and West—21.

NOES—Messrs. Burt, Conger, Dickinson, Harlan, Hill, Hittell, Nelson, Neumann, Nye, Pardee, Rowell, Sears, and Zuck—13.

Ordered engrossed.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, March 26th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, Wendell, West, and Zuck.

Quorum present.

Mr. Dickinson moved to amend minutes, page three, as printed, at bottom of page, by striking out the words "read third time," and inserting in lieu thereof the words "title and first section read."

Mr. Johnson offered the following as an amendment: Amend by inserting in lieu thereof the words "read second time."

Upon which the ayes and noes were demanded by Messrs. Davis, Johnson, and Dickinson, with the following result:

AYES—Messrs. Anderson, Brown, Chase, Cheney, George, Johnson, Johnston, Kane, Pool, Ryan, Satterwhite, and Watson—12.

NOES—Messrs. Carlock, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Rowell, Sears, West, and Zuck—20.

Lost.

The question now recurring upon the motion of Mr. Dickinson, the roll was called, with the following result:

AYES—Messrs. Carlock, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Rowell, Sears, West, and Zuck—20.

NOES—Messrs. Anderson, Brown, Chase, Cheney, George, Johnson, Johnston, Pool, Ryan, Satterwhite, and Watson—11.

Carried.

Mr. Dickinson offered the following: Strike out, on page eight, printed minutes, in line after last roll call, the words "Read second time, and."

Upon which the ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Burt, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Rowell, Sears, West, and Zuck—22.

NOES—Messrs. Anderson, Brown, Johnson, Johnston, Kane, Pool, Ryan, Satterwhite, and Watson—9.

Carried.

Journal of yesterday read, corrected, and approved as corrected.

REPORTS OF STANDING COMMITTEES.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 26th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 422—An Act to add a new section to the Code of Civil Procedure, to be numbered one thousand two hundred and sixty-four, relating to eminent domain—have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 264—An Act prohibiting the admission of minors to houses of prostitution, or to houses or rooms resorted to for the purposes of prostitution—with a substitute therefor, and recommend the passage of the substitute.

Also, Senate Bill No. 430—An Act releasing to Wm. Scholle, and his assigns, certain lands in San Francisco, and authorizing the Governor to make conveyance thereof—and report the same back, and recommend its passage.

NYE, Chairman.

By Mr. Rowell:

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 515—An Act relating to the support of aged and infirm women—herewith report the same back to the Senate, and recommend its passage.

ROWELL, Chairman.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, March 26th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That Hank Jones be and he is hereby allowed the sum of fifty-two dollars for services rendered as Porter, from the ninth day of January to the twenty-first day of January, eighteen hundred and eighty, payable out of the appropriation for the contingent expenses of the Senate.

Beg leave to report, and recommend that the same be adopted.

Also:

Resolved, That the Senate ratify the appointment of Major Thomas Williams, as Watchman and Outside Doorkeeper of the Senate Chamber, and that he be allowed two dollars per diem from the fifth day of January, eighteen hundred and eighty, payable out of the Contingent Fund of the Senate.

Report, and recommend that the same be adopted.

ZUCK, Chairman.

The first resolution, above reported, adopted.

Mr. Kane moved to amend the second resolution, above reported by the Committee on Contingent Expenses and Mileage, by inserting in line two of resolution the words "three dollars" instead of the words "two dollars."

Mr. Johnson offered the following resolution as an amendment to the amendment as offered by Mr. Kane:

Resolved, That the sum of fifty dollars be and it is hereby appropriated out of the Contingent Fund of the Senate to pay Thomas Williams for any and all services rendered the Senate to date, and that he be notified by the Sergeant-at-Arms that his services are no longer required.

Mr. Johnson moved to recommit to the Committee on Contingent Expenses and Mileage, with instructions to report on Monday next.

Lost.

Mr. Dickinson moved to lay all motions and resolutions on the table.

Lost.

The question now recurring upon the resolution of Mr. Johnson it was adopted.

REPORT OF SPECIAL COMMITTEE.

By Mr. Johnston :

SENATE CHAMBER, March 26th, 1880.

MR. PRESIDENT: The Special Committee to whom was referred Senate Bill No. 246, with instructions to amend, report the same back amended as instructed.

JOHNSTON, Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 25th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 296—An Act to appropriate money for the support of orphans, half orphans, and abandoned children.

GEORGE C. PERKINS, Governor.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 25th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-fourth, eighteen hundred and eighty, passed Assembly Bill No. 103—An Act to add five new sections to the Political Code of the State of California, to be numbered, respectively, sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, three thousand two hundred and forty-eight, three thousand two hundred and forty-nine, and three thousand two hundred and fifty, relative to fixing the hours of labor of drivers, conductors, and employes of street cars.

Assembly Bill No. 296—An Act for the relief of W. S. Safford.

And Assembly Bill No. 340—An Act to provide for and enforce liens of mechanics, material men, artisans, and laborers.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 103, above reported, read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 296, above reported, read first time, and referred to the Committee on Claims.

Assembly Bill No. 340, above reported, read first time, and referred to the Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, March 26th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-third, eighteen hundred and eighty, passed Assembly Bill No. 25—An Act to provide for the election of fifteen freeholders to frame a charter for cities containing more than one hundred thousand inhabitants, and to provide for the ratification of the same.

Also, that on March twenty-fifth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 41—An Act to amend sections three hundred and twelve, three hundred and fifteen, three hundred and twenty-two, three hundred and twenty-three, three hundred and twenty-six, three hundred and fifty-nine, and four hundred and fifteen, and to add a new section, to be known as section four hundred and four, of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to corporations.

Assembly Bill No. 145—An Act to amend sections seventeen, nineteen, and twenty-one of an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March sixth, eighteen hundred and seventy-six.

Assembly Bill No. 257—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eight, relative to the forfeiture of the undertaking of bail or of the deposit of money.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 25, above reported, read first time, and referred to the Committee on County and Town Governments.

Assembly Bill No. 44, above reported, read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 145, above reported, read first time, and referred to the Committee on Hospitals.

Assembly Bill No. 27, above reported, read first time, and referred to the Committee on Judiciary.

INTRODUCTION AND FIRST READING OF A BILL.

By Mr. Hittell: Senate Bill No. 530—An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to jury trials in civil cases.

Read first time, and referred to the Committee on Judiciary.

SECOND READING OF BILLS.

Senate Bill No. 63—An Act to provide for the speedy completion of the State Prison at Folsom.

On motion of Mr. Dickinson passed on the file.

Senate Bill No. 134 passed on the file until to-morrow.

Senate Bill No. 194—An Act to provide for the enlargement of the State Printing Office, and for the repairing and painting of the building.

Read second time, and ordered engrossed.

Senate Bill No. 275—An Act to provide for the erection of buildings and improvements for the Deaf, and Dumb, and Blind Asylum.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 154 passed on the file.

Senate Bill No. 155—An Act to add a new section to the Political Code, and to define the intention of section one thousand nine hundred and thirty of said Code.

Mr. Dickinson moved to indefinitely postpone.

Carried.

Senate Bill No. 308—An Act to provide for the recovery of damages for death or injuries caused by the use of intoxicating liquors.

Read second time.

Mr. Dickinson moved to amend as follows: Strike out all after the word "person," in line six, section three.

RECESS.

Pending the consideration of the above, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 528—An Act to amend section three thousand seven hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Dickinson, George, Glascock, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, and West—25.

NOES—None.

Title read and approved.

Mr. Johnson moved that Senate Bill No. 528 be immediately transmitted to the Assembly.

Carried.

Senate Bill No. 360—An Act to repeal section one thousand four hundred and twenty-two of the Civil Code.

Read third time, and the roll was called with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Davis, Enos, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Nye, Rowell, Satterwhite, and West—16.

NOES—Messrs. Brown, Cheney, Conger, Dickinson, George, Glascock, Hill, Hittell, Hudson, Langford, Neumann, Pardee, Pool, Ryan, and Zuck—15.

The bill not having received the Constitutional majority required was declared not passed.

Consideration of motion of Mr. Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204, passed on the file.

Senate Bill No. 255—An Act to enable the swamp land or reclamation districts of this State to fund indebtedness, and to provide for the payment of indebtedness so funded.

Read third time.

By unanimous consent the Secretary was authorized to add the letters "ed" to the word "adjourn," in section two; also, in section seven to correct the word "exhaust" by inserting the letter "h."

Mr. Langford moved to recommit to the Committee on Swamp and Overflowed Lands, with instructions to amend.

Mr. Johnson moved, as an amendment to the above, to recommit the bill to the author with instructions to insert the amendment.

Carried.

Mr. Wendell was granted leave of absence until Monday, on account of sickness.

By permission, Mr. Dickinson recalled Senate Bill No. 526 from the Committee on Claims, and re-referred it to the Committee on Finance.

Assembly Bill No. 48—An Act to amend an Act entitled an Act relating to mutual, beneficial, and relief associations, approved March twenty-eighth, eighteen hundred and seventy-four.

On motion of Mr. Johnson was recommitted to the Judiciary Committee with special instructions.

Assembly Bill No. 22—An Act to provide for the receipt and appropriation of donations to the State or counties, or cities and counties, or cities or towns therein.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—32.

NOES—None.

Title read and approved.

Assembly Bill No. 269—An Act to declare the Mokelumne River navigable.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—31.

NOES—None.

Title read and approved.

By leave, Mr. Pardee introduced, out of order, the following report from the Committee on Finance:

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 181—An Act relating to the State Board of Equalization—beg leave to report the same back to the Senate, and recommend that it do pass.

PARDEE, Chairman.

Consideration of Senate Bill No. 308 resumed.

Upon the amendment as offered by Mr. Dickinson, the ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Anderson, Brown, Conger, Dickinson, Enos, Glascock, Gorman, Hittell, Hudson, Kelly, Pardee, Ryan, Sears, and Watson—14.

NOES—Messrs. Baker, Burt, Carlock, Davis, George, Hill, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nye, Rowell, Satterwhite, West, and Zuck—17.

Lost.

Mr. Chase announced he was paired with Senator Neumann.

Mr. Ryan offered the following: Amend section three by adding thereto, "Provided, that no liability shall accrue to the owner of any building in which liquors are sold, when the person or persons selling such liquors are conducting such business under a license procured from the county or municipality in which the building is situated."

Upon which the ayes and noes were demanded by Messrs. Ryan, Nelson, and Dickinson, with the following result:

AYES—Messrs. Baker, Brown, Conger, Dickinson, Enos, Glascock, Gorman, Hittell, Hudson, Kane, Kelly, Nelson, Pardee, Rowell, Ryan, Sears, and Watson—17.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Davis, George, Harlan, Hill, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pool, Satterwhite, West, and Zuck—18.

Lost.

Mr. Johnson moved to reconsider the vote whereby the amendment as offered by Mr. Dickinson was lost.

Mr. Dickinson moved to make the above bill the special order for Saturday, April tenth, at two o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Johnson, Dickinson, and West, with the following result:

AYES—Messrs. Baker, Brown, Conger, Dickinson, Enos, Glascock, Gorman, Hittell, Kane, Kelly, Nelson, Pardee, Pool, Rowell, Ryan, Sears, and Watson—17.

NOES—Messrs. Anderson, Bart, Carlock, Chase, Davis, George, Harlan, Hill, Hudson, Johnston, Johnston, Moreland, Nye, Satterwhite, West, and Zuck—16.

Carried.

Mr. Chase announced that Mr. Cheney was paired with Mr. Neumann. Mr. Neumann voting for and Mr. Cheney voting against the motion.

Leave of absence was granted Mr. Cheney for to-day and to-morrow on account of sickness.

Assembly Bill No. 94—An Act to legalize and validate the assessment and assessment roll for State, county, and consolidated city and county taxes of the various counties of the State, for the fiscal year commencing in March, eighteen hundred and seventy-nine.

Read second time.

Senate considered as in Committee of the Whole, and the bill ordered on the file for third reading.

Assembly Bill No. 135—An Act to provide for the removal of Chinese whose presence is dangerous to the well-being of communities outside the limits of cities and towns in the State of California.

Read second time.

Senate considered as in Committee of the Whole, and the bill ordered on the file for third reading.

Senate Bill No. 269—An Act to amend section four of an Act entitled "An Act to establish a scale of measurement of logs," approved March twenty-eighth, eighteen hundred and seventy-eight.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 293—An Act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution.

Mr. Johnson moved that the bill be indefinitely postponed.

Mr. Davis moved to recommit to the Judiciary Committee.

Lost.

Mr. West moved to recommit to the author.

Lost.

The question now recurred on the motion of Mr. Johnson to indefinitely postpone.

Upon which the ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Chase, Dickinson, Enos, George, Glascock, Gorman, Johnson, Langford, Nelson, Nye, Ryan, Satterwhite, Watson, and Zuck—14.

NOES—Messrs. Anderson, Bart, Brown, Conger, Davis, Hittell, Hudson, Johnston, Kane, Lampson, Moreland, Pardee, Pool, Rowell, Sears, and Wendell—16.

Lost.

REPORT OF SPECIAL COMMITTEE.

By leave, Mr. Johnston made the following report:

SENATE CHAMBER, March 26th, 1880.

MR. PRESIDENT: The special committee to whom was referred Senate Bill No. 235, with instructions to amend, report the same back amended as instructed.

JOHNSTON, Chairman.

REPORTS OF STANDING COMMITTEES.

By Mr. Lampson:

SENATE CHAMBER, March 26th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly re-engrossed, the following Senate bill, viz.: Senate Bill No. 354—An Act to add a new section to the Political Code, to be known as section one thousand six hundred and eighteen, relating to salaries of school teachers in cities having one hundred thousand inhabitants or more.

LAMPSON, for Chairman.

By Mr. Pardee (by leave):

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 527, have had the same under consideration, and recommend its passage.

PARDEE, Chairman.

By Mr. Burt:

SENATE CHAMBER, March 26th, 1880.

MR. PRESIDENT: Your Committee on Enrollment have examined, and found correctly enrolled, Senate Bill No. 192, and the same has this day been placed in the hands of the Governor, at four o'clock P. M.

BURT, for the Committee.

By Mr. Nye (by leave):

SENATE CHAMBER, SACRAMENTO, March 26th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was recommended, with instructions, Assembly Bill No. 48—An Act to amend an Act entitled "An Act relating to mutual, beneficial, and relief associations," approved March twenty-eighth, eighteen hundred and seventy-four—report the same back with amendment attached according to instructions.

NYE, Chairman.

Consideration of Senate Bill No. 293 resumed.

Mr. George moved to reconsider the vote whereby the motion of Mr. Davis to recommit the bill to the Judiciary Committee was lost.

Mr. George moved to lay the bill on the table.

Upon which the ayes and noes were demanded by Messrs. Zuck, Conger, and Johnson, with the following result:

AYES—Messrs. Chase, Enos, George, Johnson, Langford, Nelson, Pardee, Ryan, Satterwhite, Watson, and Zuck—11.

NOES—Messrs. Anderson, Baker, Burt, Brown, Conger, Davis, Dickinson, Glaseock, Gorman, Hittell, Hudson, Johnston, Kane, Kelly, Moreland, Nye, Pool, Rowell, Sears, and West—20.

Lost.

The question now recurring upon the motion of Mr. George to reconsider the vote by which the motion to recommit Senate Bill No. 293 to the Judiciary Committee was lost, the motion was declared carried.

On motion of Mr. Dickinson the pending bill was recommended to the Judiciary Committee.

Senate Bill No. 231—An Act to provide for the payment of the claim of H. L. Nichols.

Mr. Dickinson moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Johnson, Dickinson, and Conger, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Chase, Conger, Dickinson, Glaseock, Hittell, Hudson, Kelly, Langford, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, Watson, West, and Zuck—21.

NOES—Messrs. Gorman, Johnson, Johnston, Kane, Nelson, Pool, and Ryan—7.

Carried.

Assembly Bill No. 37—An Act to amend sections four hundred and seventy-four, six hundred and one, seven hundred and ninety-nine, nine hundred and nine, nine hundred and fifty, one thousand and fifteen, one thousand one hundred and eight, one thousand one hundred and nine, one thousand two hundred and eighty-four, one thousand three hundred and ten, two thousand two hundred and forty, two thousand three hundred and ninety-two, two thousand three hundred and ninety-three, two thousand four hundred and seven, two thousand four hundred and eight, two thousand four hundred and ten, two thousand four hundred and thirteen, two thousand four hundred and fifteen, two thousand eight hundred, two thousand eight hundred and fifty-two, three thousand two hundred and eighty-five, three thousand four hundred and ninety, four thousand and forty-seven, four thousand and seventy-eight, four thousand one hundred and thirty-four, four thousand one hundred and sixty-five, four thousand one hundred and ninety-two, and four thousand two hundred and twenty-one, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, conferring upon the Superior Courts, their Judges and officers, the jurisdiction and authority heretofore exercised in certain cases by the Courts abolished by the Constitution, their Judges and officers.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the file for third reading.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Dickinson, the Senate adjourned until ten o'clock A. M. to-morrow.

IN SENATE.

SENATE CHAMBER,
Saturday, March 27th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Bart, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Henshaw, Johnson, Hays, Hill, Hutton, Harrison, Johnson, Johnston, Kato, Kelly, Lamson, Langford, Merriam, Nelson, Nye, Parker, Pool, Russell, Ryan, Satterwhite, Sears, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Enos moved to recall Senate Bill No. 529 from the Judiciary Committee, and re-refer it to the Committee on Chinese and Chinese Immigration.

Carried.

REPORTS OF STANDING COMMITTEES.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, March 27th, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Assembly Bill No. 25—An Act to provide for the election of fifteen freeholders to frame a charter for cities containing more than one hundred thousand inhabitants, and to provide for the ratification of the same—have had the same under consideration, and I report the same back to the Senate, and recommend its passage.

HITTELL, Chairman.

By Mr. Dickinson:

MR. PRESIDENT: The Committee on Military Affairs, to whom was referred Assembly Bill No. 158—An Act making appropriation for deficiency for the thirtieth and thirty-first fiscal years for payment of armory rents, purchase of arms, and other expenses of the National Guard of California—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

DICKINSON, Chairman.

By Mr. Davis:

SENATE CHAMBER, SACRAMENTO, March 26th, 1880.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 436—An Act to ascertain the will of the people of the State of California touching the propriety of so changing our public school system as to place the education of children more under parental control, to render it less expensive and better adapted to the wants of the rising generation than is practicable under the present system—have had the same under consideration, and report it back with the recommendation that the same be indefinitely postponed.

DAVIS, Chairman.

Mr. Moreland gave notice that he would file a minority report from the Committee on Education in reference to the above reported bill.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 26th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 112—An Act to amend sections four hundred and seven and four hundred and twelve of the Code of Civil Procedure, relating to the manner of commencing civil actions.

Also, Senate Bill No. 141—An Act to amend chapters two and three, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters two and three, and to substitute new chapters two and three, to take the place thereof in said Code, relating to appeals in civil actions.

Also, Senate Bill No. 158—An Act to amend sections eight hundred and thirty-eight, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and ninety-seven, eight hundred and ninety-eight, eight hundred and ninety-nine, nine hundred and twelve, nine hundred and eighteen, and nine hundred and twenty-one, of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

GEO. C. PERKINS, Governor.

INTRODUCTION OF BILLS.

By Mr. Johnson: Senate Bill No. 531—An Act to confer upon female citizens the right to vote upon all matters relating to the public schools of the State of California.

Read first time, and ordered on the general file for second reading.

Also: Senate Bill No. 532—An Act to provide for the payment of expenses incurred by Superior Judges in holding Courts in counties other than those for which they were elected.

Read first time, and referred to the Judiciary Committee.

By Mr. Baker (by request): Senate Bill No. 533—An Act to amend the Civil Code by adding a new section thereto, to be known as section two thousand one hundred and seventy-eight, relating to common carriers.

Read first time, and referred to the Committee on Corporations.

Assembly Bill No. 181—An Act to amend sections three hundred and fifty-two, three thousand six hundred and ninety-two, and three thousand seven hundred and two, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, and to add sections three thousand six hundred and ninety-five and three thousand seven hundred to said Code, relating to the State Board of Equalization.

On motion of Mr. Sears, taken up out of its order, and recommitted to the Committee on Finance.

SECOND READING OF BILLS.

Senate Bills Nos. 63, 134, and 154, passed on the file.

Senate Bill No. 264—An Act prohibiting the admission of minors to houses of prostitution, or to houses or rooms resorted to for the purpose of prostitution.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Assembly Bill No. 42—An Act to confer upon the Superior Court of each county, and Judge thereof, the powers heretofore possessed by the District, County, and Probate Courts of such county, and the Judges thereof.

Read second time.

Senate considered as in Committee of the Whole, and the bill ordered on file for third reading.

Assembly Bill No. 203—An Act to provide for the taking of appeals from judgments or orders given or made in the Courts existing on and before the first day of January, eighteen hundred and eighty.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on file for third reading.

Senate Bill No. 310 passed on the file.

Senate Bill No. 312, on motion of Mr. Nye, was indefinitely postponed.

Assembly Bill No. 102—An Act relating to the appointment of aliens to positions under State, county, city and county, city, or town officials.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on file for third reading.

Assembly Bill No. 36—An Act to amend sections sixty-nine, seventy, eighty, one hundred and thirty-seven, two hundred and twenty-six, two hundred and forty-three, two hundred and forty-four, two hundred and forty-nine, two hundred and fifty-three, two hundred and fifty-eight, two hundred and sixty-five, two hundred and seventy-three, five hundred and ninety-three, five hundred and ninety-six, five hundred and ninety-eight, six hundred and two, one thousand two hundred and forty-one, one thousand two hundred and forty-five,

one thousand two hundred and forty-seven, one thousand two hundred and sixty-five, one thousand three hundred and sixty-three, one thousand three hundred and sixty-four, two thousand two hundred and eighty-three, two thousand two hundred and eighty-seven, and two thousand two hundred and eighty-nine, of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, conferring upon the Superior Courts, their Judges or officers, the jurisdiction and authority heretofore exercised in certain cases by the Courts abolished by the Constitution, their Judges or officers.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on the file for third reading.

Assembly Bill No. 43—An Act to amend sections one thousand one hundred and eighty and one thousand one hundred and eighty-one of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to the proof and acknowledgment of instruments.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on file for third reading.

Senate Bill No. 289—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure, relating to writs of attachment.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 350—An Act to prevent the accumulation of large landed estates.

Read second time.

Mr. Nye moved to indefinitely postpone the bill.

Mr. George moved to amend as follows: Strike out, in line three, printed bill, the words "six hundred and forty acres," and insert the words "one thousand two hundred and eighty acres of agricultural and five thousand and twenty acres of grazing land;" also, in line five, strike out the words "six hundred and forty acres," and insert the words "one thousand two hundred and eighty acres of agricultural and five thousand and twenty acres of grazing land."

Adopted.

Mr. Pardee moved the previous question.

Lost.

The question now recurring upon the motion to indefinitely postpone, the roll was called, with the following result:

Ayes—Messrs. Anderson, Brown, Dickinson, Glasecock, Harlan, Hittell, Moreland, Nye, Pardee, Pool, Ryan, Sears, and Watson—13.

Noes—Messrs. Baker, Burt, Chase, Conger, Davis, George, Gorman, Hill, Hudson, Johnston, Kane, Nelson, Satterwhite, West, and Zuck—15.

Lost.

Mr. Johnson announced that he was paired with Mr. Langford, he voting against and Mr. Langford voting for the indefinite postponement.

Bill ordered engrossed.

Senate Bill No. 364—An Act to amend section one thousand five hundred and seventy-three of the Code of Civil Procedure, relating to the time within which certain actions may be commenced.

Read second time, and ordered engrossed.

Senate Bill No. 369—An Act to punish baggage smashers.

Read second time, and ordered engrossed.

Senate Bill No. 372—An Act to tax the owners of large tracts of land in the State of California.

Mr. Hittell moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Davis, George, Glascock, Harlan, Hill, Hittell, Johnston, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, and Zuck—20.

NOES—Messrs. Brown, Chase, Conger, Dickinson, Gorman, Johnson, Kane, and West—8.

Carried.

Assembly Bill No. 361—An Act in relation to certain deputies, assistants, and copyists of County Clerks.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered on file for third reading.

Senate Bill No. 221—An Act to compel railroad corporations or individuals to operate their roads.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 309—An Act to amend sections one thousand and thirty-eight, one thousand and ninety-five, one thousand one hundred and thirteen, one thousand one hundred and fifteen, one thousand one hundred and sixteen, one thousand one hundred and eighty-seven, one thousand two hundred and twenty-eight, one thousand two hundred and thirty, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three, of the Political Code, relating to registration of electors.

Read second time.

RECESS.

The hour for recess having arrived, the same, on motion of Mr. Johnson, was temporarily postponed until the amendment under consideration was disposed of.

At twelve o'clock and thirty-five minutes p. m. the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck.

Quorum present.

Mr. West, by leave, introduced the following bill: Senate Bill No.

534—An Act to provide for the recovery of damages for death or injuries caused by the use of intoxicating liquors.

Mr. West moved to place it at the head of the second reading file.

Lost.

Mr. West moved that the bill take its place on the file without reference.

Carried.

THIRD READING OF BILLS.

Consideration of motion of Mr. Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204, passed on the file.

Senate Bill No. 255 passed on the file.

Senate Bill No. 246 passed on the file.

Assembly Bill No. 48 passed on the file.

Assembly Bill No. 94 passed on the file.

Assembly Bill No. 135—An Act to provide for the removal of Chinese whose presence is dangerous to the well-being of communities outside the limits of cities and towns in the State of California.

Read third time.

Mr. Nye moved to recommit the bill to the Committee on Chinese and Chinese Immigration, with instructions to amend.

Lost.

Bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Dickinson, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Ryan, Satterwhite, Sears, Watson, West, and Zuck—23.

NOES—Messrs. Brown, Davis, Glascock, Hittell, Hudson, Nye, and Pool—7.

Title read and approved.

Mr. Dickinson changed his vote from no to aye, and gave notice that, on Monday, he would move a reconsideration of the vote whereby Assembly Bill No. 135 was passed.

Assembly Bill No. 37—An Act to amend sections four hundred and seventy-four, six hundred and one, seven hundred and ninety-nine, nine hundred and nine, nine hundred and fifty, one thousand and fifteen, one thousand one hundred and eight, one thousand one hundred and nine, one thousand two hundred and eighty-four, one thousand three hundred and ten, two thousand two hundred and forty, two thousand three hundred and ninety-two, two thousand three hundred and ninety-three, two thousand four hundred and seven, two thousand four hundred and eight, two thousand four hundred and ten, two thousand four hundred and thirteen, two thousand four hundred and fifteen, two thousand eight hundred, two thousand eight hundred and fifty-two, three thousand two hundred and eighty-five, three thousand four hundred and ninety, four thousand and forty-seven, four thousand and seventy-eight, four thousand one hundred and thirty-four, four thousand one hundred and sixty-five, four thousand one hundred and ninety-two, and four thousand two hundred and twenty-one, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, conferring upon the Superior Courts, their Judges and officers, the jurisdiction and authority heretofore exercised in certain cases by the Courts abolished by the Constitution, their Judges and officers.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carleek, Chase, Conger, Davis, Dickinson, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Kane, Lampson, Nye, Ryan, Satterwhite, Sears, and West—21.

NOES—None.

Title read and approved.

SECOND READING OF BILLS.

Consideration of Senate Bill No. 309 resumed.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 403—An Act to provide for removing obstructions in Pitt River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning ground of the headwaters of said river and its tributaries.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 319—An Act to provide for the establishment of salmon hatching works on some tributary of the San Joaquin River, and to make an appropriation therefor.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 212—An Act to amend chapter one, title fifteen, of the Penal Code, relating to the violation of laws for the preservation of fish and game.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 408—An Act to amend section ten of the Political Code, defining legal holidays.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 409—An Act to amend section seven of the Civil Code, defining legal holidays.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 410—An Act to amend section ten of the Code of Civil Procedure, defining legal holidays.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

On motion of Mr. Moreland, Assembly Joint Resolution No. 6—Relative to procuring a congressional appropriation of one hundred thousand dollars for the purpose of improving Petaluma Creek for the purposes of navigation—was taken up out of order.

Read second time, and passed to third reading.

Assembly Bill No. 7, on motion of Mr. Johnson, indefinitely postponed.

Mr. Johnston moved to take up Senate Bill No. 472 out of its order. Lost.

Senate Concurrent Resolution No. 5 passed on the file.

Senate Bill No. 126, on motion of Mr. Hittell, indefinitely postponed.

Assembly Bill No. 8, on motion of Mr. Nye, indefinitely postponed.

Senate Bill No. 95, by leave, withdrawn by the author.

Senate Bill No. 168, on motion of Mr. Hittell, was indefinitely postponed.

Senate Bill No. 190—An Act to amend sections two thousand one hundred and sixty-eight and two thousand two hundred and nine of the Civil Code, in reference to common carriers.

Read second time, and ordered engrossed.

Assembly Bill No. 53—An Act to amend section two thousand one hundred and seventy of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to common carriers.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered on file for third reading.

Senate Bill No. 276 passed on the file.

Senate Bills Nos. 291 and 292, by leave, withdrawn by the author.

Senate Bill No. 303, on motion of Mr. Hittell, was indefinitely postponed.

Senate Bill No. 314, on motion of Mr. Davis, was indefinitely postponed.

Senate Bill No. 212, on motion of Mr. Johnson, was indefinitely postponed.

Senate Bill No. 317—An Act to amend section one thousand seven hundred and twenty-six of the Code of Civil Procedure, relating to the duties of Public Administrators.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 338 passed on the file.

Assembly Bill No. 190, on motion of Mr. Nye, was indefinitely postponed.

Senate Bill No. 353, by leave, withdrawn by the author.

Senate Bill No. 380, on motion of Mr. Hittell, indefinitely postponed.

Senate Bills Nos. 381 and 382, on motion of Mr. Nye, indefinitely postponed.

Senate Bill No. 395—An Act to provide for the payment of the Judges of the Superior Courts in this State.

Read second time.

Senate considered as in Committee of the Whole, amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 396—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the levy of attachments.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 421—An Act to amend section three hundred and thirty-two of the Penal Code, relating to cheating under pretension of playing at games of chance.

Read second time, and ordered engrossed.

Assembly Bill No. 15, on motion of Mr. Nye, indefinitely postponed.

Senate Bill No. 157—An Act to punish willful misrepresentation by life insurance companies and their agents.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 400, on motion of Mr. Sears, recommitted to the Committee on Corporations.

Senate Bill No. 315 passed on the file.

Senate Bill No. 203 passed on the file.

Senate Bills Nos. 25, 26, and 27, on motion of Mr. Sears, indefinitely postponed.

On motion of Mr. Johnson, the Committee on Corporations was instructed to report back Senate Bill No. 400 on Wednesday morning next.

Senate Bill No. 298—An Act to authorize the Board of Supervisors of the several counties of this State to transfer certain funds.

Read second time, and ordered engrossed.

Senate Bill No. 345 passed on the file.

Senate Bill No. 367—An Act to repeal an Act entitled "An Act to create a drainage district to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight.

Read second time, and ordered engrossed.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M. Mr. Moreland moved that the Senate adjourn until Monday, at ten o'clock A. M.

Upon which the ayes and noes were demanded by Messrs Zuck, Hill, and Brown, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Conger, Dickinson, Gorman, Harlan, Hudson, Johnson, Kane, Kelly, Lampson, Moreland, Nye, Pool, Satterwhite, and Watson—17.

NOES—Messrs. Burt, Brown, Davis, Glascock, Hill, Hittell, Johnston, Ryan, Sears, West, and Zuck—11.

Carried.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, March 29th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Nye, Pool, Ryan, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of Saturday read and approved.

All absentees granted leave of absence until twelve o'clock M.

PETITIONS.

By Mr. Johnson—A petition from Daniel Archer, asking for a reform in the oppressive taxation of the working classes, as producers and tillers of the soil.

Read, and referred to the Committee on Finance.

Received by the Secretary a petition from citizens of the Third Senatorial District, praying for a full and impartial investigation by the Committee on Elections of the facts relating to the eligibility of Warren Chase to hold his seat in the Senate.

Read, and referred to the Committee on Elections.

REPORTS OF STANDING COMMITTEES.

By Mr. Sears (for Mr. Pardee):

SENATE CHAMBER, SACRAMENTO, March 29th, 1880.

MR. PRESIDENT: The Committee on Finance, to whom was referred Assembly Bill No. 181—An Act to amend sections three hundred and fifty-two, three thousand six hundred and ninety-two, and three thousand seven hundred and two, of the Political Code of California, and to add new sections thereto, to be numbered sections three thousand six hundred and ninety-three, three thousand six hundred and ninety-five, and three thousand seven hundred, all relating to the State Board of Equalization—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage.

PARDEE, Chairman.

By Mr. Carlock:

SENATE CHAMBER, March 29th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of this State.

Also, Senate Concurrent Resolution No. 25—Relative to appointment of three members of the State Board of Health to consider the subject of a hospital for consumptives.

CARLOCK, for Committee.

Also:

SENATE CHAMBER, March 26th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 40—An Act to repeal an Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five.

Also, Senate Bill No. 41—An Act to amend section one thousand five hundred and three, and to repeal section one thousand four hundred and ninety-five, of the Political Code, relating to the State Normal School.

Also, Senate Bill No. 220—An Act for the protection of certain kinds of fish.

CARLOCK, for Committee.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 29th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 211—An Act to amend sections nine hundred and ninety-five, one thousand and sixteen, one thousand and seventeen, one thousand and twenty, one thousand and twenty-three, and one thousand and forty-one, of the Penal Code, relative to pleadings and proceedings after indictment, and before the commencement of the trial—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 111—An Act to amend section six hundred and eighty-five of the Code of Civil Procedure of California, in relation to the enforcement of judgments—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 176—An Act to amend section six hundred and fifty-four, and to repeal sections six hundred and sixty-six, six hundred and sixty-seven, and six hundred and sixty-eight, of the Penal Code, relative to increase of punishment upon conviction for second offenses—and report the same back without recommendation.

Also, Assembly Bill No. 183—An Act to add a new section to the Code of Civil Procedure, in relation to counsel fees in actions for wages—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 258—An Act to add a new section, to be known as section one hundred and eighty, to the Penal Code, relative to crimes against public justice—and report the same back, and recommend its passage.

Also, Assembly Bill No. 127—An Act to amend sections three hundred and eighteen, three hundred and nineteen, three hundred and twenty, three hundred and twenty-one, three hundred and twenty-two, three hundred and twenty-five, three hundred and thirty-six, three hundred and thirty-seven, three hundred and thirty-eight, three hundred and forty, three hundred and forty-two, and three hundred and forty-three, of the Code of Civil Procedure, relative to limitations of actions—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 334—An Act to amend an Act entitled an Act to organize a levee district in Yuba, Sutter, and Placer Counties, and to provide for the construction, maintenance, and repair of levees therein, approved March thirtieth, eighteen hundred and seventy-eight, relating to its boundaries and officers—and report the same back, and recommend that the author have leave to withdraw the bill.

Also, Senate Bill No. 379—An Act to add a new section to the Civil Code, to be known as section four hundred and fifty-three, in relation to life insurance companies—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 471—An Act to amend sections eight hundred and forty-nine, eight hundred and sixty-eight, nine hundred and two, and nine hundred and twenty-three, of the Code of Civil Procedure, concerning proceedings in Justices' Courts—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 480—An Act to amend sections one thousand and thirty-three, one thousand and thirty-four, one thousand and thirty-five, one thousand one hundred and eighty-two, and one thousand one hundred and ninety-one, of the Penal Code, relating to criminal procedure—and report the same back, and recommend its passage.

Also, Senate Bill No. 487—An Act to amend section three thousand seven hundred and sixty-six of the Political Code, relating to the publication of delinquent tax lists—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 505—An Act to add a new section to the Code of Civil Procedure, relative to the publication of notices, to be known as section one thousand and sixty—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 516—An Act to add certain sections to the Political Code, concerning the State militia, and to be known as sections one thousand nine hundred and seventy-eight and one thousand nine hundred and seventy-nine—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 518—An Act to amend section three hundred and eighty-two of the Code of Civil Procedure—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 520—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of the Code of Civil Procedure, relating to findings—and report the same back, and recommend that the author have leave to withdraw the bill.

Also, Assembly Bill No. 257—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eight, relative to the forfeiture of the undertaking of bail, or of the deposit of money—and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 273—An Act to amend sections one thousand two hundred and seventy-three, one thousand two hundred and seventy-eight, one thousand two hundred and

eighty, one thousand two hundred and eighty-seven, one thousand two hundred and eighty-eight, one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven, of the Penal Code, relative to miscellaneous proceedings—and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 212—An Act to amend sections one thousand and seventy-six, one thousand one hundred and twenty-five, one thousand one hundred and thirty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and seventy-three, and one thousand one hundred and eighty-one, of the Penal Code, relative to proceedings after the commencement of the trial and before judgment—and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 177—An Act to amend section fifty-four of the Penal Code, relative to crimes against the elective franchise—and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 220—An Act prohibiting public officials from entering into any contract on the part of the public, covering a longer period of time than two years—and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 271—An Act to provide for the refunding of the funded debt of the City of Los Angeles, created by an Act of the Legislature, approved February first, eighteen hundred and sixty-eight, and entitled "An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company," in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 226—An Act to amend section three thousand and fifty-two of the Civil Code, relating to liens on personal property—and report the same back, and recommend its passage.

Also, Senate Bill No. 293—An Act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution—amended as directed by the Senate.

Also, Assembly Bill No. 113—An Act to amend sections nine hundred and seventy-four, nine hundred and seventy-five, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and seventy-eight, and nine hundred and eighty, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to appeals to Superior Courts—and report the same back, and recommend that it be indefinitely postponed.

NYE, Chairman.

On motion of Mr. Sears, Assembly Bill No. 181 was taken up out of order.

Assembly Bill No. 181—An Act to amend section three hundred and fifty-two, three thousand six hundred and ninety-two, three thousand seven hundred and two, three thousand seven hundred and thirty-one, and three thousand seven hundred and thirty-two, of the Political Code of California, and to add new sections three thousand six hundred and ninety-three, three thousand six hundred and ninety-five, and three thousand seven hundred, all relating to the State Board of Equalization.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered on the general file for third reading.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, SACRAMENTO, March 27th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-fifth, eighteen hundred and eighty, passed Assembly Bill No. 374—An Act for the promotion of the viticultural industries of this State.

Also, that on March twenty-sixth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 327—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 374, above reported, read first time, and referred to the Committee on Agriculture.

Assembly Bill No. 327, above reported, read first time, and referred to the Committee on City and Township Governments.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Pool: Senate Bill No. 535—An Act relating to the privileges and exemptions of exempt firemen.

Read first time, and referred to the Judiciary Committee.

By Mr. Hill: Senate Bill No. 536—An Act to amend an Act entitled an Act to amend sections three thousand three hundred and thirty-five and three thousand three hundred and thirty-seven of the Political Code.

Read first time, and referred to the Committee on City and Town Governments.

By Mr. Sears: Senate Bill No. 537—An Act to extend the boundaries of incorporated cities and towns.

Read first time, and referred to the Judiciary Committee.

MINORITY REPORT.

By Mr. Moreland (by leave):

MR. PRESIDENT: The undersigned, a minority of the Committee on Education, begs leave to dissent from the report of the majority in recommending the indefinite postponement of Senate Bill No. 426. The undersigned is aware there exists a belief among a large portion of the people of the State that the public school system, as at present organized and conducted, is not as efficient and satisfactory as it might be. The bill hereby reported upon proposes to refer to the electors of the State certain propositions connected with the public schools for an expression of their opinion thereupon. The undersigned, while not expressing an opinion upon the merits of the propositions proposed to be submitted, can see no reason why the voters of the State should not be permitted to express at the ballot-box their opinion upon that important subject.

W. W. MORELAND.

By Mr. Carlock (by leave):

SENATE CHAMBER, March 29th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 330—An Act to amend section seven hundred and thirty-nine of the Code of Civil Procedure, relating to actions to determine conflicting claims to real property.

Senate Bill No. 366—An Act to amend section six hundred and seven of the Penal Code.

Senate Bill No. 160—An Act to amend sections one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and ninety, and one thousand one hundred and ninety-five, of the Code of Civil Procedure, and to add a new section to said Code, relating to liens of mechanics and others upon real property.

Senate Bill No. 167—An Act repealing an Act conferring further powers to the Board of Supervisors of the City and County of San Francisco.

Senate Bill No. 219—An Act to amend section three of an Act entitled an Act authorizing the appointment of certain permanent employees of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four.

Senate Bill No. 233—An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroner's inquests in said Prison.

Senate Bill No. 351—An Act to punish decoys.

Senate Bill No. 194—An Act to provide for the enlargement of the State Printing Office, and for the repairing and painting of the building.

Senate Bill No. 275—An Act to provide for the erection of buildings and improvements for the Deaf, and Dumb, and Blind Asylum.

CARLOCK, for Committee.

SECOND READING OF BILLS.

Senate Bill No. 63—An Act to provide for the speedy completion of the State Prison at Folsom—passed on file.

Senate Bill No. 134 and Senate Bill No. 151 passed on file.

Senate Bill No. 310 withdrawn by the author.

Senate Concurrent Resolution No. 5 passed on file.

Senate Bill No. 276 passed on file.

Senate Bill No. 338 passed on file.

Senate Bill No. 315 passed on file.

Senate Bill No. 205 passed on file.

Senate Bill No. 345 passed on file.

Senate Bill No. 339—An Act to abolish the payment of bounties for the destruction of gophers in Merced County.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 55—An Act entitled an Act fixing the compensation of members, officers, and employes of the Legislature.

Bill read second time.

Senate considered as in Committee of the Whole.

President pro tem. Baker in the chair.

Amendment adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 103 passed on file.

Senate Bill No. 210—An Act to regulate the charges upon telegraph lines, and to prevent extortion by owners of telegraph lines.

RECESS.

During the consideration of the same, the hour of recess having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck.

Quorum present.

Mr. Wendell granted indefinite leave of absence on account of sickness.

THIRD READING OF BILLS.

Consideration of motion of Mr. Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204.

Passed on file.

Senate Bill No. 255—An Act to enable the swamp land or reclamation districts of this State to fund indebtedness, and to provide for the payment of indebtedness so funded.

Upon the passage of the bill the roll was called, and the bill not having received the constitutional majority required was lost by the following vote:

AYES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Dickinson, George, Johnston, Kane, Kelly, Lampson, Neumann, Nye, Sears, Traylor, Watson, and Zuck—17.

NOES—Messrs. Anderson, Conger, Davis, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Moreland, Rowell, and West—13.

Mr. Johnson changed his vote from aye to no, and gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 255 was lost.

Senate Bill No. 246—An Act to provide for the election of Trustees in swamp or reclamation districts in cases where there is no acting Board, and to provide for future elections or appointment of Trustees in such districts.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Rowell, Sears, West, and Zuck—27.

NOES—Mr. Nye—1.

Title read and approved.

Senate Bill No. 48—An Act to amend an Act entitled "An Act relating to mutual, beneficial, and relief associations," approved March twenty-eighth, eighteen hundred and seventy-four.

Upon the passage of the bill the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Rowell, Sears, West, and Zuck—26.

NOES—Messrs. Glascock and Hittell—2.

Title read and approved.

Assembly Bill No. 94—An Act to legalize and validate the assessment and assessment roll for State, county, and consolidated city and county taxes, of the various counties of the State, for the fiscal year commencing in March, eighteen hundred and seventy-nine.

Bill read third time, and, not receiving the constitutional majority required, was lost by the following vote:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Nye, Rowell, Ryan, Sears, West, and Zuck—17.

NOES—Messrs. Chase, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Lampson, Moreland, Neumann, and Traylor—11.

Assembly Bill No. 42—An Act to confer upon the Superior Court of each county, and Judge thereof, the powers heretofore possessed by the District, County, and Probate Courts of such county, and the Judges thereof.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Rowell, Ryan, Sears, Traylor, West, and Zuck—29.

NOES—None.

Title read and approved.

Mr. Sears gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 94 was lost.

Assembly Bill No. 203—An Act to provide for the taking of appeals from judgments or orders given or made in the Courts existing on and before the first day of January, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Rowell, Ryan, Sears, West, and Zuck—29.

NOES—None.

Title read and approved.

Assembly Bill No. 102—An Act relating to the appointment of aliens to positions under State, county, city and county, city, or town officials.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Sears, Traylor, West, and Zuck—28.

NOES—Messrs. Nye, Rowell, and Ryan—3.

Title read and approved.

Assembly Bill No. 36—An Act to amend sections sixty-nine, seventy, eighty, one hundred and thirty-seven, two hundred and twenty-six, two hundred and forty-three, two hundred and forty-four, two hundred and forty-nine, two hundred and fifty-three, two hundred and fifty-eight, two hundred and sixty-five, two hundred and seventy-three, five hundred and ninety-three, five hundred and ninety-six, five hundred and ninety-eight, six hundred and two, one thousand two hundred and forty-one, one thousand two hundred and forty-five, one thousand two hundred and forty-seven, one thousand two hundred and sixty-five, one thousand three hundred and sixty-three, one thousand three hundred and sixty-four, two thousand two hundred and eighty-three, two thousand two hundred and eighty-seven, and two thousand two hundred and eighty-nine, of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, conferring upon the Superior Courts, their Judges or officers, the jurisdiction and authority heretofore exercised in certain cases by the Courts abolished by the Constitution, their Judges or officers.

During the reading of the bill, the hour having arrived for the consideration of the special order—consideration of motion of Mr. Johnson to reconsider indefinite postponement, March twenty-second, eighteen hundred and eighty, of Senate Bill No. 329—the same, on motion of Mr. Johnson, was continued and made the special order for to-morrow at two o'clock and thirty minutes p. m.

Assembly Bill No. 36 read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nye, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—29.

NOES—None.

Title read and approved.

Assembly Bill No. 43—An Act to amend sections one thousand

one hundred and eighty and one thousand one hundred and eighty-one of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to the proof and acknowledgment of instruments.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—30.
 NOES—None.

Title read and approved.

Assembly Joint Resolution No. 6—Relative to procuring a congressional appropriation of one hundred thousand dollars for the purpose of improving Petaluma Creek for the purpose of navigation.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Neumann, Nye, Pool, Ryan, Sears, Traylor, West, and Zuck—26.
 NOES—Messrs. Conger, Kane, and Rowell—3.

Title read and approved.

Senate Bill No. 40—An Act to repeal an Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—31.
 NOES—None.

Title read and approved.

Senate Bill No. 41—An Act to amend section one thousand five hundred and three, and to repeal section one thousand four hundred and ninety-five, of the Political Code, relating to the State Normal School.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—30.
 NOES—None.

Title read and approved.

By unanimous consent Mr. Glascock offered the following amendment to the title to Senate Bill No. 246: Strike out the words "swamp or reclamation land" and insert the words "swamp land or reclamation."

Adopted.

Senate Bill No. 220—An Act for the protection of certain kinds of fish.

Read third time.

The Secretary, by unanimous consent, corrected a clerical error in section three.

Upon the passage of the bill the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—32.

NOES—None.

Title read and approved.

Senate Bill No. 330—An Act to amend section seven hundred and thirty-nine of the Code of Civil Procedure, relating to actions to determine conflicting claims to real property.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nye, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—30.

NOES—Messrs. Johnson, Kane, and Neumann—3.

Title read and approved.

Senate Bill No. 366—An Act to amend section six hundred and seven of the Penal Code, relating to malicious mischief.

Read third time.

The Secretary was authorized, by unanimous consent, to correct a clerical error in section one.

The roll was called upon the passage of the bill, and the same was passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Sears, Traylor, West, and Zuck—29.

NOES—Messrs. Cheney, Neumann, and Ryan—3.

Title read and approved.

Mr. Ryan moved that the third reading of bills be continued until disposed of.

Carried.

SPECIAL ORDER AT THREE O'CLOCK P. M.

Consideration of motion of Mr. Hittell to reconsider passage, March seventeenth, of Senate Bill No. 58.

Mr. Hittell moved to continue, and that it be made the special order for Thursday, at three o'clock p. m.

Carried.

Senate Bill No. 160—An Act to amend sections one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and ninety, and one thousand one hundred and ninety-five, of the Code of Civil Procedure, and to add a new section to said Code, relating to liens of mechanics and others upon real property.

Mr. Johnson moved to recommit the bill to the Judiciary Committee, with instructions to amend.

Lost.

Bill read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, West, and Zuck—28.

NOES—Messrs. Anderson, Hudson, and Johnston—3.

Title read and approved.
Leave of absence granted Mr. Gorman.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, March 29th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bill No. 161, and the same has this day been placed in the hands of the Governor, at two o'clock and fifteen minutes P. M.

HUDSON, Chairman.

THIRD READING OF BILLS—RESUMED.

Senate Bill No. 167—An Act repealing an Act conferring further powers to the Board of Supervisors of the City and County of San Francisco, approved April first, eighteen hundred and seventy-eight.
Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, West, and Zuck—28.
NOES—None.

Title read and approved.

Senate Bill No. 219—An Act to amend section three of an Act entitled an Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Chase, Cheney, Davis, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, West, and Zuck—25.
NOES—Mr. Moreland—1.

Title read and approved.

The Secretary was granted leave of absence until Wednesday, March thirty-first.

Senate Bill No. 233—An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroner's inquests in said Prison.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Lampson, Langford, Moreland, Neumann, Nye, Rowell, Sears, Traylor, West, and Zuck—25.
NOES—Messrs. Brown, Johnston, Kane, and Pardee—4.

Title read and approved.

Senate Bill No. 351—An Act to punish decoys.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Traylor, West, and Zuck—27.
NOES—Mr. Glascock—1.

Title read and approved.

Senate Concurrent Resolution No. 25—Relative to appointment of three members of the State Board of Health to consider the subject of a hospital for consumptives.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—21.

NOES—Messrs. Chase, Conger, Glascock, Harlan, Kane, Langford, and Moreland—7.

Title read and approved.

Senate Bill No. 370 passed temporarily.

Senate Bill No. 194—An Act to provide for the enlargement of the State Printing Office, and for the repairing and painting of the building.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—32.

NOES—None.

Title read and approved.

Senate Bill No. 275—An Act to provide for the erection of buildings and improvements for the Deaf, and Dumb, and Blind Asylum.

On motion of Mr. Nye the bill was re-committed to the author, with instructions to strike out "one hundred and forty-eight thousand" and insert "seventy-three thousand," and that he be instructed to report immediately.

Mr. Sears, by leave, introduced the following report:

SENATE CHAMBER, SACRAMENTO, March 29th, 1880.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 526—An Act to pay the Society of California Pioneers rent for rooms for the Hastings College of the Law—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage.

PARDEE, Chairman.

On motion of Mr. Sears, the rules were suspended, and Senate Bill No. 526 was taken up for consideration.

Senate Bill No. 526—An Act to pay the Society of California Pioneers rent for rooms for the Hastings College of the Law.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

By Mr. Pardee (by leave):

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 513—An Act relating to volunteer fire companies—beg leave to report that they have had the same under consideration, and recommend that it do pass.

PARDEE, Chairman.

NOTICES.

Mr. Johnson gave notice that he would, on to-morrow, call for a report from the San Francisco delegation upon Senate Bill No. 9—An Act to limit and fix the rates and price of gas in all cities within

the State of California having a population of one hundred thousand or more.

Also, gave notice that he would, on to-morrow, call for a report from the Committee on Corporations upon Senate Bill No. 127—An Act to add certain new sections to the Civil Code, concerning gas corporations, part four, title fifteen.

Mr. Moreland, by leave, introduced the following bill: Senate Bill No. 538—An Act to amend section four hundred and fifty-six of the Civil Code, relating to the debts of railroad corporations, and securities therefor, and sales of the property of said corporations.

Read first time, and referred to the Committee on Corporations.

By Mr. Ryan (by leave): Senate Bill No. 539—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure, relating to the commencement of actions in Justices' Courts.

Read first time, and referred to the Judiciary Committee.

By Mr. Neumann (by leave): Senate Bill No. 540—An Act to provide rules for working mines involving easements, drainage, and other necessary means to their complete development.

Read first time, and referred to the Committee on Mines and Mining.

Pursuant to notice given on Saturday last Mr. Dickinson moved a reconsideration of the vote whereby Assembly Bill No. 135 was passed.

Mr. Dickinson moved to make the motion to reconsider the special order for next Thursday at three o'clock.

Lost.

The question now recurred upon the motion of Mr. Dickinson to reconsider the vote whereby Assembly Bill No. 135 was passed.

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Dickinson, with the following result:

AYES—Messrs. Davis, Dickinson, Glasecock, Hitteli, Hudson, Neumann, Nye, Parlee, and Traylor—9.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Harlan, Hall, Johnson, Kane, Lampson, Moreland, Pool, Rowell, Ryan, Sears, Watson, and Zuck—19.

Lost.

Mr. Nye introduced the following report:

SENATE CHAMBER, SACRAMENTO, March 29th, 1880.

MR. PRESIDENT: The undersigned, to whom was recommittees Senate Bill No. 275, with instructions, hereby reports that he has amended said bill in accordance with instructions by striking out the words "one hundred and forty-eight," and inserting in place thereof "seventy-three."

NYE.

SECOND READING OF BILLS—RESUMED.

Senate Bill No. 210 continued.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 341 indefinitely postponed.

Senate Bills Nos. 13, 14, 15, 16, 17, 18, 64, and 65, passed on file.

Assembly Bill No. 97—An Act to prohibit the sale of intoxicating liquors in the State Capitol building.

Read second time.

Mr. Dickinson moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Burt, Conger, and Johnson, with the following result:

AYES—Messrs. Conger, Dickinson, Hittell, Kane, Neumann, Ryan, and Watson—7.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, Enos, George, Glascock, Harlan, Hill, Johnson, Johnston, Moreland, Nye, Pardee, Pool, Rowell, Sears, Traylor, West, and Zuck—23.

Lost.

At five o'clock and twelve minutes P. M. Mr. Davis moved that the Senate take a recess.

Lost.

Consideration of Assembly Bill No. 97 resumed.

RECESS.

Pending the consideration of the same, at five o'clock and fifteen minutes P. M. the Senate, on motion of Mr. Traylor, took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Leave of absence granted Mr. Satterwhite.

Mr. Anderson asked leave of absence for Mr. Moreland for the evening. There being objections, it was not granted.

At seven o'clock and thirty-five minutes P. M. Mr. Chase moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Dickinson, Neumann, and Zuck, with the following result:

AYES—Messrs. Baker, Chase, Cheney, Davis, Harlan, Hudson, Johnston, Kane, Pool, and West—10.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Dickinson, George, Hill, Hittell, Johnson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, and Zuck—17.

Lost.

Consideration of Assembly Bill No. 97 resumed.

Ordered on the general file for third reading.

At seven o'clock and forty minutes P. M. Mr. Johnston moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Dickinson, Hill, and Zuck, with the following result:

AYES—Messrs. Baker, Chase, Cheney, Davis, Harlan, Hudson, Johnston, Traylor, Watson, and West—10.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Dickinson, George, Hill, Hittell, Johnson, Kane, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, and Zuck—19.

Lost.

Mr. Pardee, by leave, introduced, out of order, Senate Bill No. 541—An Act making appropriations for the support of the government of the State of California for the thirty-second fiscal year.

Read first time, and referred to the Committee on Finance.

On motion of Mr. Nye, Assembly Bill No. 127 and Senate Bill No. 518, reported back by the Judiciary Committee this morning, were recommitted.

Senate Bill No. 328—An Act to empower and direct the Trustees of Levee District Number One of Sacramento County to pay certain indebtedness outstanding against the late Swamp Land District Number Two Hundred and Eighty-seven contracted for repairs upon levee.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted, and bill, as amended, ordered engrossed.

Senate Bill No. 305—An Act to encourage the planting and growing of timber.

By leave withdrawn by the author.

Senate Bill No. 352 indefinitely postponed.

Senate Bill No. 323 passed on file.

Senate Bills Nos. 68, 128, and 320, on motion of Mr. Sears, indefinitely postponed.

Senate Bill No. 393 passed on file.

Senate Bill No. 391—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property.

Read second time, and ordered engrossed.

Senate Bill No. 423—An Act to provide for the payment of Coroner's inquests held at the State Prisons of the State.

Read second time, and ordered engrossed.

Senate Bill No. 444—An Act to amend section three hundred and seventy of the Code of Civil Procedure, relating to parties to actions.

Read second time, and ordered engrossed.

Assembly Bill No. 165—An Act to repeal an Act entitled "An Act to change the orthography of the name of a town in Shasta County."

Read second time, and ordered on file for third reading.

Senate Bill No. 244 passed on file.

Senate Bill No. 241, on motion of Mr. Hill, indefinitely postponed.

Senate Bills Nos. 343 and 383 passed on file.

Mr. Johnson, by leave, introduced the following resolution out of order:

Resolved, That when the Senate adjourns, it does so out of respect to the memory of E. G. Jeffers, an ex-State Printer, who died last night.

Adopted.

Senate Bill No. 418—An Act to regulate the sale of certain poisonous substances.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 458—An Act to provide for the deficiency in the appropriation for repairs to the State Capitol building and furniture during the thirtieth fiscal year.

Read second time, and ordered engrossed.

REPORT FROM THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 29th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 370—An Act to adjudicate certain claims, and to provide for the payment of the same.

Senate Bill No. 269—An Act to amend section four of an Act entitled "An Act to establish a scale of measurement of logs," approved March twenty-eighth, eighteen hundred and seventy-eight.

Senate Bill No. 43—An Act to amend section one thousand one hundred and eighty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the liens of mechanics and others upon real property.

CHENEY, Chairman.

Senate Bill No. 459—An Act to provide for the deficiency in the appropriation for traveling expenses of the State Board of Education during the thirtieth fiscal year.

Read second time, and ordered engrossed.

Senate Bill No. 460—An Act to provide for the deficiency in the appropriation for the contingent expenses of the Supreme Court during the thirtieth fiscal year.

Read second time, and ordered engrossed.

Senate Bill No. 461—An Act to provide for the deficiency in the appropriation for arresting criminals without the limits of the State during the thirtieth fiscal year.

Read second time, and ordered engrossed.

Senate Bill No. 462—An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirtieth fiscal year.

Read second time, and ordered engrossed.

Senate Bill No. 463—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Normal School for the twenty-ninth and thirtieth fiscal years.

Read second time, and ordered engrossed.

Senate Bill No. 464—An Act to appropriate money for the payment of the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers for the twenty-ninth fiscal year.

Read second time, and ordered engrossed.

Senate Bill No. 465—An Act to appropriate money for the payment of the deficiency in the appropriation for the transportation of prisoners for the twenty-ninth fiscal year.

Read second time, and ordered engrossed.

Senate Bill No. 466—An Act to appropriate money for the payment of the deficiency in the appropriation for stationery, fuel, and lights for the twenty-ninth fiscal year.

Read second time, and ordered engrossed.

Mr. Sears moved to recommit Senate Bills Nos. 467 and 468 to the Judiciary Committee.

Carried.

Senate Bill No. 469—An Act to provide for the deficiency in the appropriation for repairs to the State Capitol building and furniture during the thirty-first fiscal year.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bills, as amended, ordered engrossed.

Mr. Johnson moved to reconsider the vote whereby Senate Bills No. 467 and 468 were recommitteed to the Judiciary Committee.

Carried.

Senate Bills Nos. 467 and 468, on motion of Mr. Johnson, were indefinitely postponed.

Senate Bills Nos. 358, 361, 413, 414, and 415, were, on motion of Mr. Dickinson, indefinitely postponed.

Assembly Bill No. 120—An Act to amend section seven hundred and two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, in relation to redemption of property sold under execution.

Mr. Sears moved to indefinitely postpone.

Carried.

Mr. Conger gave notice that, on to-morrow, he would move to reconsider the vote whereby Senate Bill No. 415 was indefinitely postponed.

ADJOURNMENT.

Pending the consideration of Mr. Sear's motion to indefinitely postpone Assembly Bill No. 120, Mr. Traylor, at ten o'clock and ten minutes, moved to adjourn.

Carried.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 30th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITION.

By Mr. Burt—Two petitions protesting against the passage of Assembly Bill No. 374, relating to an appropriation to promote the viticultural industries of the State.

Referred to the Committee on Agriculture.

REPORTS OF STANDING COMMITTEES.

By Mr. Baker:

SENATE CHAMBER, SACRAMENTO, March 30th, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 19—Relative to certain lands in San Joaquin County claimed by Andreas Pico—would respectfully report that they have considered the same, and report the same back, with the recommendation that it be adopted.

BAKER, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, March 30th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 296—An Act for the relief of W. S. Safford—have had the same under consideration, and report back, recommending the passage of the bill.

Also, Senate Bill No. 486—An Act to pay the claim of W. C. Guirey—and recommend that the same pass.

TRAYLOR, Chairman.

By Mr. Rowell:

MR. PRESIDENT: Your Committee on Hospitals, in conjunction with the Hospital Committee of the Assembly, herewith submit the following report on Orphan Asylums:

In accordance with resolution of instruction, we have visited, with the exception of two, all the Asylums receiving aid from the State. We have caused a thorough examination to be made of all their books and accounts, and have obtained all the information possible as to their condition and management. Almost without exception we have found them clean, well conducted, and well managed. Strict regard for sanitary conditions, plain, wholesome, and generous diet, systematic education and recreation are all evidenced by the appearance of the inmates. In the institutions we visited medical assistance is seldom required: the medical bills are small, and deaths are of rare occurrence. The moral and intellectual training, coupled with the strict discipline maintained, encourage us in the hope that these wards of the public will eventually become useful citizens. After a thorough examination of the Asylums already established, and a careful consideration of the subject, we are satisfied that a judicious system of State appropriations, apart from any duty that charity demands, will eventually amply repay the State for all expenditures, by reducing the number that would otherwise naturally grow up as a part of our ignorant and criminally disposed population. This question of providing for the homeless has already become one of much importance to the State.

“Political economists have long since recognized the fact, that juvenile destitution is a prolific source of depravity, and, unless relieved, must ultimately swell the criminal records, and prove a heavy tax upon the material prosperity and resources of a State.”—*Report of Ladies' Relief Society, San Francisco.*

In view of these facts, in conjunction with the Hospital Committee of the Assembly we have compiled, and herewith append, statistics as full and complete as the present imperfect system of bookkeeping in these institutions will permit.

It will be seen from these tables, that the State contributed to the support of one thousand nine hundred and ninety-two orphan and half orphan children the past year the sum of one hundred and thirty-five thousand three hundred and fifty dollars and ninety-eight cents. Estimates for the coming year are not less than one hundred and sixty thousand dollars. As the State only appropriates for the support of children under fourteen years of age, and as many Asylums maintain a number of children over that age, together with a large number of little waifs, and a few aged and infirm females, the State appropriation has not been sufficient of itself to maintain them, and we find they received from other sources, in eighteen hundred and seventy-nine, one hundred and fifty thousand three hundred and thirty-seven dollars and thirty-six cents.

We are informed by the managers that no discrimination is made in admitting children into any of these Asylums because of the religion of the parents, though the Asylums are generally under denominational auspices and control.

There are sixteen Asylums receiving State aid. Ten of these are under the management of the Catholic Church. They contain one thousand three hundred and twenty-six children, receiving aid, and they received in eighteen hundred and seventy-nine, ninety-three thousand six hundred and ninety-four dollars and eighty-three cents.

The Pacific Hebrew Orphan Asylum of San Francisco contains none but Hebrew children. In eighteen hundred and seventy-nine it received for forty children the sum of three thousand six hundred and fifty-two dollars and fifty cents.

The Good Templars' Home for Orphans contains ninety-four children, and received for eighteen hundred and seventy-nine six thousand six hundred and four dollars and fifty-five cents.

The Ladies' Protection and Relief Society of San Francisco, the Protestant Orphan Asylum of San Francisco, the Ladies' Relief Society of Oakland, and the Protestant Orphan Asylum of

Sacramento, supporting an average of five hundred and thirty-six children, received thirty-one thousand three hundred and ninety-nine dollars. The small amount paid to these Asylums by the State is owing to the fact that the Ladies' Protection and Relief Societies of San Francisco and Oakland have supported an average of one hundred abandoned and destitute children, for whom they received no aid from the State. The Ladies' Relief Society of Oakland has drawn five hundred dollars per annum, with no pro rata for orphans until the last quarter of the thirtieth fiscal year. Although as truly an Orphan Asylum as any, still, relying upon their own exertions, and the charitable donations from the citizens of Oakland, until the business depression of the past year they have asked no further aid from the State. These relief societies deserve especial commendation.

We herewith append an exhibit from the various Orphan Asylums for the twenty-seventh and twenty-eighth fiscal years, showing their total receipts from all sources, the disbursements of the same, and the purposes for which expended. Also the amount necessary for maintaining an orphan in the necessities of life, both including and excluding salaries. We also append an abstract from the reports of the Ladies' Relief Society of San Francisco and the San Rafael Catholic Orphan Asylum, for the years eighteen hundred and seventy-eight and eighteen hundred and seventy-nine. These institutions may be taken as representative Asylums. The first returns the actual cost of maintaining a child in the necessities of life, at seventy-nine dollars and thirty-three cents for eighteen hundred and seventy-eight, and at seventy-three dollars and five cents for eighteen hundred and seventy-nine. The San Rafael Asylum shows a list of ninety-four dollars and ten cents per annum. There are, however, items to the amount of nine thousand five hundred dollars included in the latter that are not found in the former. Deducting these, it reduces the San Rafael estimate to sixty-seven dollars per annum.

The question, however, is not upon how little an orphan can actually subsist, but the least amount that will enable an Asylum to give maintenance to a child, with due consideration for its mental, moral, and physical development.

Mr. Rowell moved that double the amount of the usual copies of the above report be printed.

Carried.

By Mr. Burt:

SENATE CHAMBER, March 30th, 1880.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 134, entitled an Act to amend section three hundred and one of the Penal Code, in relation to keeping open places of business on Sunday—have considered the same, and recommend its passage.

BURT, Chairman.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, March 30th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 187—An Act to prevent discrimination by gas companies in the State of California—have had the same under consideration, and report the same back to the Senate, and recommend its indefinite postponement.

SEARS, Chairman.

Mr. Johnson, pursuant to notice given yesterday, now called for a report from the San Francisco delegation in relation to Senate Bill No. 9—An Act, etc.

Upon which Mr. Conger, for a minority of the delegation, submitted the following:

MR. PRESIDENT: Your San Francisco delegation have had Senate Bill No. 9 under consideration, and respectfully report that said bill be indefinitely postponed.

PAUL NEUMANN.
JNO. H. DICKINSON.
C. C. CONGER.
THEODORE H. HITTELL.
W. W. TRAYLOR.

By Mr. Zuck:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of P. K. Stockton for the sum of thirty dollars (\$30), for services as shorthand reporter in taking testimony in the contested election case of Harrington vs. Nelson before the Committee on Elections of the Senate, payable out of the Contingent Fund of the Senate.

The Committee on Contingent Expenses and Mileage, having considered the above, recommend its passage.

March 30th, 1880.

ZUCK, Chairman.

Resolution above reported adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 29th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have this day appointed as Port Wardens for the Port of San Francisco: Archibald Harloe, San Francisco, vice self, term expired; George T. Bromley, San Francisco, vice Norman, term expired; William Young, Sacramento, vice Wilson, term expired; and respectfully ask their confirmation by your honorable body.

GEO. C. PERKINS, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of Archibald Harloe, as a Port Warden for the Port of San Francisco, vice self, term expired?" the roll was called with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—31.

NOES—None.

Whereupon the President announced that the appointment of Archibald Harloe was unanimously confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Geo. T. Bromley, as a Port Warden for the Port of San Francisco, vice Norman, term expired?" the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—31.

NOES—None.

Whereupon the President announced that the appointment of Geo. T. Bromley, as a Port Warden for the Port of San Francisco, was unanimously confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of William Young, as a Port Warden, vice Wilson, term expired?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—31.

NOES—None.

Whereupon the President announced that the appointment of William Young, as a Port Warden for the Port of San Francisco, was unanimously confirmed.

Mr. West, by permission, introduced a petition from citizens of Los Angeles County, asking for the passage of a law regulating certain practices in relation to bees.

Read, and referred to the Committee on Agriculture.

INTRODUCTION OF BILLS.

By Mr. West: Senate Bill No. 542—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure.

Also: Senate Bill No. 543—An Act to amend the Civil Code of the State of California by amending sections one thousand and forty-four, and two thousand nine hundred and forty-seven, and by adding new sections, to be numbered one thousand and ninety-six and one thousand one hundred and sixteen.

Each of the above bills read first time, and referred to the Judiciary Committee.

Pursuant to notice given yesterday, Mr. Conger now moved a reconsideration of the vote whereby Senate Bill No. 414 was lost.

The motion to reconsider was made the special order for to-morrow, at three o'clock P. M., on motion of Mr. Conger.

On motion of Mr. Neumann, Senate Bill No. 430 was taken up out of order.

Senate Bill No. 430—An Act releasing to Wm. Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Read second time, and ordered engrossed.

GENERAL FILE.

Senate Bill No. 63 passed on file.

Senate Bill No. 134 passed on file.

Senate Bill No. 154 passed on file.

Senate Concurrent Resolution No. 5—Proposed amendments to the Constitution.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate.

Upon the question of engrossment, the ayes and noes were demanded by Messrs. Baker, Conger, and Hill, with the following result:

AYES—Messrs. Brown, Cheney, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Traylor, Watson, and Zuck—14.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Conger, Davis, Enos, Glascock, Harlan, Hill, Kane, Kelly, Lampson, Langford, Pool, Rowell, Ryan, and Sears—18.

Mr. Baker gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Concurrent Resolution No. 5 was refused engrossment.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane,

Kelly, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Assembly Bill No. 361—An Act in relation to certain deputies, assistants, and copyists of County Clerks.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and West—30.

NOES—Messrs. Gorman and Zuck—2.

Title read and approved.

Assembly Bill No. 53—An Act to amend section two thousand one hundred and seventy of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to common carriers.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—32.

NOES—None.

Title read and approved.

Consideration of motion of Mr. Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204, passed on file.

Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of this State.

During the reading of same, the hour for the consideration of the special order arrived, viz.: Consideration of motion of Mr. Johnson to reconsider indefinite postponement, March twenty-second, eighteen hundred and eighty, of Senate Bill No. 329.

On motion of Mr. Johnson, it was further postponed until to-morrow, at two o'clock and thirty minutes P. M.

Senate Bill No. 362 read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, West, and Zuck—24.

NOES—Messrs. Burt, Conger, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Moreland, Nelson, Pool, Ryan, and Satterwhite—14.

Title read and approved.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 30th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: No. 264—An Act prohibiting the admission of minors to houses of prostitution or houses or rooms resorted to for the purpose of prostitution.

No. 289—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure, relating to writs of attachment.

No. 350—An Act to prevent the accumulation of large landed estates.

No. 364—An Act to amend section one thousand five hundred and seventy-three of the Code of Civil Procedure, relating to the time within which certain actions may be commenced.

No. 369—An Act to punish baggage smashers.

No. 221—An Act to compel railroad corporations or individuals to operate their roads.

No. 309—An Act to amend sections one thousand and thirty-eight, one thousand and ninety-five, one thousand one hundred and thirteen, one thousand one hundred and fifteen, one thousand one hundred and sixteen, one thousand one hundred and eighty-seven, one thousand two hundred and twenty-eight, one thousand two hundred and thirty, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three, of the Political Code, relating to registration of electors.

CHENEY, Chairman.

Mr. Johnson, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Senate Bill No. 255 failed to pass, and asked that its consideration be made the special order for to-morrow, at three o'clock P. M.

So ordered.

At four o'clock and thirty minutes P. M. Mr. Enos moved to adjourn until ten o'clock A. M. to-morrow.

Mr. Pardee moved to amend by taking a recess until seven o'clock and thirty minutes P. M.

Lost.

The question now recurred upon the motion of Mr. Enos.

Upon which the ayes and noes were demanded by Messrs. Enos, West, and Burt, with the following result:

AYES—Messrs. Baker, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Gorman, Harlan, Johnston, Kane, Kelly, Nelson, Pool, Ryan, and Traylor—16.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Davis, George, Hill, Hittell, Hudson, Lamson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Watson, West, and Zuck—20.

Lost.

RECESS.

At five o'clock P. M., on motion of Mr. Dickinson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Neumann, Nye, Pardee, Satterwhite, Sears, Traylor, West, and Zuck.

Quorum present.

On motion of Mr. Neumann the rules were suspended and Senate Bill No. 286 was taken up out of order.

Senate Bill No. 286—An Act to confer power upon Supervisors of cities and counties containing more than one hundred thousand inhabitants, to extend and complete all main intercepting sewers heretofore partially constructed.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Mr. Sears moved that the rules be suspended, and that Senate Bill No. 266 be taken up out of order.

Lost.

At seven o'clock and forty-seven minutes P. M. Mr. Satterwhite moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Burt, and Rowell, with the following result:

AYES—Messrs. Baker, Cheney, Dickinson, Enos, Gorman, Kelly, Moreland, Nelson, and Traylor—9.

NOES—Messrs. Anderson, Burt, Brown, Chase, Conger, Davis, George, Harlan, Hill, Hittell, Hudson, Kane, Langford, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, West, and Zuck—21.

Lost.

Mr. Enos moved a call of the Senate.

Lost.

At seven o'clock and fifty-one minutes P. M. Mr. Neumann moved to adjourn.

Lost.

GENERAL FILE—RESUMED.

Assembly Bill No. 97—An Act to prevent the sale of intoxicating liquors in the State Capitol building.

Read third time, and, not having received the constitutional majority required by law, was lost by the following vote:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Kelly, Langford, Moreland, Pardee, Rowell, Sears, West, and Zuck—18.

NOES—Messrs. Burt, Brown, Conger, Dickinson, Hittell, Hudson, Kane, Nelson, Neumann, and Pool—10.

Mr. Burt gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 97 was lost.

At eight o'clock P. M. Mr. Enos moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Hittell, Burt, and Hill, with the following result:

AYES—Messrs. Baker, Davis, Dickinson, Enos, Gorman, Kelly, Moreland, Nelson, Neumann, and Pool—10.

NOES—Messrs. Anderson, Burt, Brown, Chase, Conger, George, Harlan, Hill, Hittell, Hudson, Kane, Langford, Nye, Pardee, Rowell, Sears, West, and Zuck—18.

Lost.

Assembly Bill No. 165—An Act to repeal an Act entitled "An Act to change the orthography of the name of a town in Shasta County."

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, West, and Zuck—28.

NOES—None.

Title read and approved.

Assembly Bill No. 481—An Act to amend sections three hundred and fifty-two, three thousand six hundred and ninety-two, and three

thousand seven hundred and two, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, and to add sections three thousand six hundred and ninety-five and three thousand seven hundred to said Code, relating to the State Board of Equalization.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Sears, West, and Zuck—27.

NOES—None.

Title read and approved.

Mr. Dickinson moved that Senate Bill No. 370 be placed at the foot of the second reading file.

Carried.

Senate Bill No. 269—An Act to amend section four of an Act entitled "An Act to establish a scale of measurement of logs," approved March twenty-eighth, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, George, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Sears, West, and Zuck—25.

NOES—Mr. Neumann—1.

Title read and approved.

Senate Bill No. 264—An Act prohibiting the admission of minors to houses of prostitution, or to houses or rooms resorted to for the purpose of prostitution.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, George, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Sears, West, and Zuck—24.

NOES—Mr. Davis—1.

Title read and approved.

Senate Bill No. 289—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure, relating to writs of attachment.

Mr. Nye moved to insert an enacting clause as follows:

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Carried.

Mr. Neumann moved to recommit the bill to the Judiciary Committee with special instructions.

Carried.

Senate Bill No. 350 passed on file.

Senate Bill No. 364—An Act to amend section one thousand five hundred and seventy-three of the Code of Civil Procedure, relating to the time within which certain actions may be commenced.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Chase, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Sears, West, and Zuck—26.

NOES—None.

Title read and approved.

Senate Bill No. 369—An Act to punish baggage smashers.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, West, and Zuck—24.

NOES—Messrs. Brown and Neumann—2.

Title read and approved.

Senate Bill No. 221—An Act to compel railroad corporations or individuals to operate their roads.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Satterwhite, West, and Zuck—26.

NOES—Mr. Neumann—1.

Title read and approved.

Senate Bill No. 309—An Act to amend sections one thousand and thirty-eight, one thousand and ninety-five, one thousand one hundred and thirteen, one thousand one hundred and fifteen, one thousand one hundred and sixteen, one thousand one hundred and eighty-seven, one thousand two hundred and twenty-eight, one thousand two hundred and thirty, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three, of the Political Code, relating to registration of electors.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, George, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, West, and Zuck—25.

NOES—None.

Title read and approved.

Senate Bill No. 43—An Act to amend section one thousand one hundred and eighty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to liens of mechanics and others upon real property.

Read third time, and ordered passed on file.

SECOND READING FILE.

Senate Bill No. 276 passed on file.

Senate Bill No. 338 passed on file.

Senate Bill No. 315—An Act to regulate the issuance of certificates of stock of stock companies incorporated under the laws of this State.

Mr. Hittell moved to indefinitely postpone the same.

Upon which the ayes and noes were demanded by Messrs. Pardee, Hittell, and Brown, with the following result:

AYES—Messrs. Baker, Brown, Dickinson, Harlan, Hittell, Kane, Pardee, Sears, and Watson—9.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Enos, George, Gorman, Hill, Hudson, Johnson, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, West, and Zuck—21.

Lost.

Bill read second time, and ordered engrossed.

Mr. Johnson moved to place Senate Bill No. 370 at the head of the second reading file.

Lost.

Mr. Nye moved to reconsider the vote whereby Senate Bill No. 370 was placed at the foot of the second reading file.

Carried.

Upon the question, "Shall the bill be placed at the foot of the second reading file?" the vote was taken, and the motion was declared lost.

Mr. Johnson now moved that the bill be placed at the head of the second reading file.

Carried.

Senate Bill No. 203 passed on file.

Senate Bill No. 345 indefinitely postponed.

Senate Bills Nos. 13, 14, 15, 16, 17, 18, 64, and 65, passed on file.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Carlock :

SENATE CHAMBER, March 30th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: Senate Bill No. 403—An Act to provide for removing obstructions in Pitt River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning ground of the headwaters of said river and its tributaries.

CARLOCK, for Chairman.

Senate Bill No. 403, above reported, was taken up out of order.

Senate Bill No. 403—An Act to provide for removing obstructions in Pitt River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning ground of the headwaters of said river and its tributaries.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nye, Pardee, Rowell, Sears, West, and Zuck—25.

NOES—None.

Title read and approved.

Senate Bill No. 323 passed on file.

Senate Bill No. 393 passed on file.

Senate Bill No. 244 passed on file.

Senate Bill No. 343 passed on file.

Senate Bill No. 383—An Act to establish a Branch State Normal School.

The bill having previously been read a second time, the question now recurred upon its engrossment.

Upon which the ayes and noes were demanded by Messrs. Sears, West, and Burt, with the following result:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Langford, Moreland, Nye, Pardee, Rowell, and West—16.

NOES—Messrs. Baker, Burt, Conger, Davis, Dickinson, Hill, Kelly, Sears, and Zuck—9.

Carried and bill ordered engrossed.

Assembly Bill No. 120—An Act to amend section seven hundred and two of an Act entitled "An Act to establish a Code of Civil Pro-

cedure," approved March eleventh, eighteen hundred and seventy-two, in relation to redemption of property sold under execution.

The question now recurred upon the motion to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. West, Hittell, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Davis, Dickinson, Enos, Harlan, Hittell, Nye, Pardee, Rowell, Sears, West, and Zuck—16.

NOES—Messrs. Chase, Conger, George, Gorman, Hill, Hudson, Johnson, Kane, Kelly, and Langford—10.

Carried.

Mr. West gave notice that, on to-morrow, he would move to reconsider the vote whereby Assembly Bill No. 120 was indefinitely postponed.

ADJOURNMENT.

At nine o'clock and fifty-five minutes p. m., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 31st, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

PETITIONS.

By Mr. Chase—Two petitions from residents of Santa Barbara County, asking the passage of some law that will relieve the State from the evils of intemperance.

Read, and referred to the Committee on County and Township Governments.

REPORTS OF STANDING COMMITTEES.

By Mr. Harlan:

SENATE CHAMBER, SACRAMENTO, March 31st, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 374—An Act for the promotion of the viticultural industries of this State—have had the same under consideration, and report the same back to the Senate, and a majority of said committee recommend that it do not pass.

HARLAN, Chairman.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, March 31st, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was recommended Senate Bill No. 400—An Act to amend section two thousand seven hundred and fifty-six of the Civil Code, and to add a new section to the same Code, to be known as section two thousand seven hundred and fifty-seven, concerning fire insurance—have had the same under consideration, and a majority report the same back to the Senate without amendment, and recommend its passage.

SEARS, Chairman.

Mr. Brown moved that Senate Bill No. 400, above reported, be placed at the head of the general file.

Mr. Johnson moved as an amendment that the bill be placed at number eight on the file.

Lost.

The original motion prevailed.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 31st, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 507—An Act amendatory of and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands," approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight, and of the Act amendatory thereof, approved January twenty-sixth, eighteen hundred and seventy-four—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Bill No. 28—An Act to amend an Act entitled "An Act to amend section two hundred and ninety-nine of the Civil Code of California," approved March twenty-second, A. D. eighteen hundred and seventy-eight—report the same back, and recommend its passage.

Also, Assembly Bill No. 127—An Act to amend sections three hundred and eighteen, three hundred and nineteen, three hundred and twenty, three hundred and twenty-one, three hundred and twenty-two, three hundred and twenty-five, three hundred and thirty-six, three hundred and thirty-seven, three hundred and thirty-nine, three hundred and forty, three hundred and forty-two, and three hundred and forty-three, of the Code of Civil Procedure, relative to limitations of actions—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 525—An Act to amend sections two hundred and ninety-nine, three hundred, and three hundred and one, of the Penal Code, relating to business transacted on Sunday—report the same back, and recommend its passage.

NYE, Chairman.

By Mr. Watson:

Resolved, That it is the sense of the Joint Committee on State Prison from the Senate and Assembly that the Branch State Prison at Folsom be completed as speedily as possible, at an expense not to exceed forty thousand dollars, as provided in the bill introduced by Senator Johnson.

WATSON, Chairman.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Joint Committee on State Prison of the Senate and Assembly, at a meeting held on March twenty-seventh, eighteen hundred and eighty.

CHAS. J. MCCARTHY, Clerk Joint Committee on State Prison.

Also:

MR. PRESIDENT: Your Committee on State Prison beg leave to report the following resolution, and recommend its adoption:

Resolved, That John P. Cosgrove be and he is hereby allowed the sum of two hundred and eighty-one dollars and eighty cents out of the contingent expenses of the Senate, for services performed by him as Photographic Reporter of the State Prison Committee.

WATSON, Chairman.

Referred to the Committee on Contingent Expenses and Mileage.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 30th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-ninth, eighteen hundred and eighty, concurred in Senate amendments to the title of Senate Bill No. 109—An Act permitting and authorizing railway and other corporations organized under the laws of any State or Territory of the United States of America, or any Act of Congress of the United States of America, to do business in this State on the same terms as railway corporations organized under the laws of this State.

And on March thirtieth, eighteen hundred and eighty, concurred in Senate amendment to section two of said bill.

J. M. WRIGHT, Assistant Clerk.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Baker: Senate Bill No. 544—An Act to amend section one thousand two hundred and sixty-three of the Civil Code, relative to homesteads.

Read first time, and referred to the Judiciary Committee.

By Mr. Traylor: Senate Bill No. 545—An Act to amend section six hundred and thirty-six of the Penal Code.

Read first time, and referred to the Committee on Fish and Game.

By Mr. Nye: Senate Bill No. 546—An Act to provide for the payment for water used by the University of California.

Read first time, and referred to the Committee on Claims.

By Mr. Langford: Senate Bill No. 547—An Act to amend section three thousand nine hundred and thirty-two of the Political Code, relating to the boundary lines of San Joaquin County.

Read first time, and referred to the Committee on County and Town Governments.

By Mr. Neumann (by request): Senate Bill No. 548—An Act relating to weights and measures.

Read first time, and referred to the Committee on Finance.

RESOLUTIONS.

By Mr. Johnson (by leave):

Resolved, That W. B. Miller be and he is hereby allowed the sum of seventy-five dollars, payable out of the Contingent Fund of the Senate, for taking care of the clocks in the Senate Chamber during the present session.

Referred to the Committee on Contingent Expenses and Mileage.
Also:

Resolved, That the State Printer be and is hereby directed to bind in cloth two hundred and fifty copies of the report of the Board of Bank Commissioners, for the use of said Board of Bank Commissioners.

Referred to the Committee on Contingent Expenses and Mileage.

By Mr. Enos (by leave): Senate Joint Resolution No. 7—Relating to Mexican grants, etc.

Read first time, and referred to the Committee on Federal Relations.

Mr. Burt, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Assembly Bill No. 97 failed to pass.

Carried.

Assembly Bill No. 97—An Act to prevent the sale of intoxicating liquors in the State Capitol building.

The question recurring upon the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Moreland, Nye, Rowell, Satterwhite, Sears, Traylor, West, and Zuck—25.

NOES—Messrs. Brown, Cheney, Conger, Dickinson, Kane, Lampson, Nelson, Neumann, Pardee, Pool, and Ryan—11.

Title read and approved.

Mr. Hittell gave notice that, on to-morrow, he would move a reconsideration of the vote by which Assembly Bill No. 97 was carried.

Mr. Ryan moved that the motion to reconsider Senate Bill No. 132, previously made by him, be made the special order for to-morrow, at one o'clock and thirty minutes P. M.

Carried.

Mr. Baker, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Senate Concurrent Resolution No. 5 was lost.

Upon which the ayes and noes were demanded by Messrs. Enos, Gorman, and Baker, with the following result:

AYES—Messrs. Baker, Brown, Cheney, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Nye, Pardee, Traylor, Watson, and Zuck—14.

NOES—Messrs. Anderson, Burt, Chase, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Rowell, Ryan, Satterwhite, Sears, and West—22.

Lost.

Mr. West, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Assembly Bill No. 120 was refused engrossment.

Upon which the ayes and noes were demanded by Messrs. Nye, West, and Davis, with the following result:

AYES—Messrs. Chase, Conger, Enos, George, Gorman, Hill, Johnson, Kane, Kelly, Nelson, Ryan, Satterwhite, and West—13.

NOES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Davis, Dickinson, Harlan, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, and Zuck—21.

Senate refused to reconsider.

SECOND READING OF BILLS.

Senate Bill No. 370—An Act to adjudicate certain claims and to provide for the payment of the same.

Read second time.

Mr. Johnson moved to amend by striking out all of sections four and five, and numbering section six as section four.

Mr. Pardee moved that the whole subject matter be laid upon the table.

Upon which the ayes and noes were demanded by Messrs. Johnson, Neumann, and Pardee, with the following result:

AYES—Messrs. Baker, Burt, Brown, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, West, and Zuck—23.

NOES—Messrs. Anderson, Carlock, Chase, George, Glascock, Johnson, Johnston, Kane, Kelly, Pool, Ryan, and Satterwhite—12.

Carried.

Senate Bill No. 63—An Act to provide for the speedy completion of the State Prison at Folsom.

Read second time, and ordered engrossed.

Senate Bills Nos. 134 and 154 passed on file.

Senate Bill No. 276—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Read second time, and ordered engrossed.

Senate Bill No. 338—An Act to amend section two thousand and eighty-four of the Code of Civil Procedure, in relation to proceedings to perpetuate testimony.

Read second time.

Mr. Nye moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Neumann, Dickinson, and Nye, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, George, Gorman, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Satterwhite, Watson, and Zuck—23.

NOES—Messrs. Baker, Brown, Cheney, Dickinson, Hudson, Langford, Nelson, Ryan, and Sears—9.

Carried.

Mr. Neumann gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 338 was indefinitely postponed.

Senate Bill No. 203—An Act to regulate the levying of assessments or calls upon the capital stock of corporations.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Pardee moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Pardee, Enos, and Sears, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Davis, Dickinson, George, Harlan, Hittell, Hudson, Lampson, Pardee, Rowell, Sears, Traylor, and Watson—16.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Ryan, Satterwhite, West, and Zuck—19.

Lost.

Mr. Sears moved that the bill be made the special order for three o'clock P. M.

Carried.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

RESOLUTION.

Mr. Kane, by leave, introduced the following resolution:

Resolved by the Senate, the Assembly concurring. That the Attorney-General of the State of California be and he is hereby instructed and directed to take all necessary steps to enforce the Act concerning the employment of Chinese by corporations, approved February thirteenth, eighteen hundred and eighty, by prosecuting or defending any action in the State or Federal Courts for this purpose.

Read, and referred to the Committee on Federal Relations.

THIRD READING OF BILLS.

Consideration of motion of Mr. Johnson to reconsider indefinite postponement, February seventeenth, of Senate Bill No. 204.

Upon motion to reconsider, the ayes and noes were demanded by Messrs. Davis, Burt, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Enos, George, Glascock, Gorman, Johnson, Johnston, Langford, Nelson, Neumann, Ryan, Traylor, Watson, and West—20.

NOES—Messrs. Chase, Davis, Dickinson, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, and Zuck—17.

Carried.

The question now recurred upon the passage of the bill.

Senate Bill No. 204—An Act for the relief of John E. Reynolds.

Read third time.

The roll was called, and the bill not receiving the constitutional majority was lost by the following vote:

AYES—Messrs. Anderson, Brown, Carlock, Cheney, Conger, Enos, George, Glascock, Gorman, Johnston, Johnston, Nelson, Ryan, Traylor, Watson, and West—16.

NOES—Messrs. Baker, Burt, Chase, Davis, Dickinson, Harlan, Hill, Hittell, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Sears, and Zuck—20.

Senate Bill No. 43—An Act to amend section one thousand one hundred and eighty-three of the Code of Civil Procedure, relating to liens of mechanics and others upon real property.

Read third time.

Mr. Hittell moved to recommit the bill to the Judiciary Committee with special instructions.

During the consideration of the motion, the hour having arrived for the consideration of the special order for two o'clock and thirty minutes p. m., on motion of Mr. Johnson it was continued until after the disposition of the bill now under consideration.

Upon the motion to recommit, the ayes and noes were demanded by Messrs. Hittell, Hill, and Nye, with the following result:

AYES—Messrs. Cheney, George, Harlan, Hittell, Hudson, Johnson, Johnston, Neumann, Sears, Traylor, and Watson—11.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Conger, Davis, Enos, Glascock, Gorman, Hill, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, West, and Zuck—24.

Lost.

The question now recurred upon the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, West, and Zuck—26.

NOES—Messrs. Brown, Cheney, Hudson, Johnson, Johnston, Neumann, Traylor, and Watson—8.

Title read and approved.

Mr. Hittell gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 43 was passed.

SPECIAL ORDER AT TWO O'CLOCK AND THIRTY MINUTES P. M.

Consideration of motion of Mr. Johnson to reconsider indefinite postponement, March twenty-second, eighteen hundred and eighty, of Senate Bill No. 329.

During the consideration of the same Mr. Johnson moved that the special order for three o'clock be continued until after the disposition of the motion under consideration.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Nye, Johnson, and Brown, with the following result:

AYES—Messrs. Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Johnson, Johnston, Kane, Kelly, Langford, Nelson, Ryan, Sears, Traylor, and West—19.

NOES—Messrs. Burt, Glascock, Gorman, Harlan, Hittell, Hudson, Lampson, Moreland, Nye, Pardee, Rowell, and Zuck—12.

Carried.

Mr. Johnson moved a call of the Senate.

Carried.

The absentees were called.

Further proceedings under the call, on motion of Mr. Johnson, was dispensed with.

The question now recurred upon the passage of the bill.

Senate Bill No. 329—An Act to provide for the compensation of the officers and persons performing duties and incurring expense under "An Act to create a drainage district, to be called the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Ryan, Sears, Traylor, Watson, and West—24.

NOES—Messrs. Burt, Glascock, Gorman, Harlan, Hill, Lampson, Moreland, Nelson, Nye, Pardee, Rowell, Satterwhite, and Zuck—13.

Title read and approved.

Mr. Hittell gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 329 was passed.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, March 31st, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have exam-

ined, and found correctly enrolled, Senate Bill No. 118, and the same has this day been placed in the hands of the Governor, at two o'clock and forty-five minutes P. M.

HUDSON, Chairman.

SPECIAL ORDER.

Pursuant to notice given, and continued and made the special order for three o'clock P. M. to-day, Mr. Conger now moved a reconsideration of the vote whereby Senate Bill No. 414—An Act requiring manufacturers to stamp or mark goods—was indefinitely postponed.

Carried.

The bill read second time, and ordered engrossed.

Mr. Sears, by leave, introduced the following bill: Senate Bill No. 549—An Act to provide for the payment of the salaries and traveling expenses of the State Board of Equalization, and the Clerk thereof, and for postage and contingent expenses of said Board for the thirty-first fiscal year, ending January thirtieth, eighteen hundred and eighty.

Read first time, and referred to the Committee on Finance.

Consideration of Senate Bill No. 203 resumed.

Mr. Hittell moved to strike out the enacting clause.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Gorman, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Cheney, George, Harlan, Hill, Hittell, Hudson, Lampson, Neumann, Pardee, Sears, Traylor, Watson, and Zuck—17.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Johnson, Johnston, Kane, Kelly, Moreland, Pool, Rowell, Ryan, Satterwhite, and West—16.

Carried.

Senate Bill No. 13—An Act for the relief of John Hoagland.

Mr. Hittell moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Johnson, Brown, and Hittell, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, George, Gorman, Hill, Hittell, Hudson, Kane, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Traylor, West, and Zuck—23.

NOES—Messrs. Carlock, Cheney, Enos, Glascock, Johnson, Johnston, Kelly, Pool, Ryan, and Satterwhite—10.

Carried.

Senate Bills Nos. 14, 15, 16, 17, 18, 64, and 65, withdrawn, by leave, by the author.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, March 31st, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 55—An Act entitled an Act fixing the compensation of members, officers, and employes of the Legislature.

Senate Bill No. 473, substitute for Senate Bill No. 328—An Act to empower and direct the Trustees of Levee District Number One of Sacramento County to pay certain indebtedness outstanding against the late Swamp Land District Number Two Hundred and Eighty-seven, contracted for repairs upon levee.

Senate Bill No. 391—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property.

Senate Bill No. 526—An Act to pay the Society of California Pioneers rent for rooms for the Hastings College of the Law.

CHENEY, Chairman.

Also:

SENATE CHAMBER, March 31st, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 408—An Act to amend section ten of the Political Code, defining legal holidays.

Senate Bill No. 409—An Act to amend section seven of the Civil Code, defining legal holidays.

Senate Bill No. 410—An Act to amend section ten of the Code of Civil Procedure, defining legal holidays.

Senate Bill No. 339—An Act to abolish the payment of bounties for the destruction of gophers in Merced County.

Senate Bill No. 210—An Act to regulate the charges upon telegraph lines, and to prevent extortion by owners of telegraph lines.

Senate Bill No. 423—An Act to provide for the payment of Coroner's inquests held at the State Prisons of the State.

Senate Bill No. 444—An Act to amend section three hundred and seventy of the Code of Civil Procedure, relating to parties to actions.

Senate Bill No. 458—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirtieth fiscal year.

Senate Bill No. 459—An Act to provide for the deficiency in the appropriation for traveling expenses of the State Board of Education during the thirtieth fiscal year.

Senate Bill No. 460—An Act to provide for the deficiency in the appropriation for the continuing expenses of the Supreme Court during the thirtieth fiscal year.

Senate Bill No. 461—An Act to provide for the deficiency in the appropriation for arresting criminals without the limits of the State during the thirtieth fiscal year.

Senate Bill No. 462—An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirtieth fiscal year.

Senate Bill No. 463—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Normal School for the twenty-ninth and thirtieth fiscal years.

Senate Bill No. 464—An Act to appropriate money for the payment of the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers for the twenty-ninth fiscal year.

Senate Bill No. 465—An Act to appropriate money for the payment of the deficiency in the appropriation for the transportation of prisoners for the twenty-ninth fiscal year.

Senate Bill No. 466—An Act to appropriate money for the payment of the deficiency in the appropriation for stationery, fuel, and lights for the twenty-ninth fiscal year.

Senate Bill No. 469—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirtieth fiscal year.

Senate Bill No. 430—An Act releasing to Wm. Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

CHENEY, Chairman.

Also:

SENATE CHAMBER, March 31st, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 319—An Act to provide for the establishment of salmon hatching works on some tributary of the San Joaquin River, and to make an appropriation therefor.

Senate Bill No. 242—An Act to amend chapter one, title fifteen, of the Penal Code, relating to the violation of laws for the preservation of fish and game.

Senate Bill No. 190—An Act to amend sections two thousand one hundred and sixty-eight and two thousand two hundred and nine of the Civil Code, in reference to common carriers.

Senate Bill No. 317—An Act to amend section one thousand seven hundred and twenty-six of the Code of Civil Procedure, relating to the duties of Public Administrators.

Senate Bill No. 395—An Act to provide for the payment of the Judges of the Superior Courts in this State.

Senate Bill No. 396—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the levy of attachments.

Senate Bill No. 421—An Act to amend section three hundred and thirty-two of the Penal Code, relating to cheating under pretension of playing at games of chance.

Senate Bill No. 157—An Act to punish willful misrepresentation by life insurance companies and their agents.

Senate Bill No. 298—An Act to authorize the Board of Supervisors of the several counties of this State to transfer certain funds.

Senate Bill No. 367—An Act to repeal an Act entitled "An Act to create a drainage district, to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight.

CHENEY, Chairman.

Leave of absence was granted Senator Davis until to-morrow.

Mr. Zuck, by leave, introduced the following bill: Senate Bill No. 550—An Act to provide a Contingent Fund for the use of the Senate.

Read first time, and ordered at the head of the second reading file.

By Mr. Baker (by leave): Senate Bill No. 551—An Act to amend section six hundred and thirteen of the Code of Civil Procedure of the State of California, relating to trial by jury.

Read first time, and referred to the Judiciary Committee.

RECESS.

Mr. Brown, at four o'clock and fifty-six minutes P. M., moved that the Senate take a recess.

Carried.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

By Mr. Sears (by leave):

SENATE CHAMBER, SACRAMENTO, March 31st, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 538—An Act to amend section four hundred and fifty-six of the Civil Code, relative to the debts of railroad corporations and securities therefor, and sales of the property of said corporation—have had the same under consideration, and report the same back to the Senate without amendment, and recommend its passage.

SEARS, Chairman.

GENERAL FILE.

Senate Bill No. 350 passed on file.

Senate Bill No. 319—An Act to provide for the establishment of salmon hatching works on some tributary of the San Joaquin River, and to make an appropriation therefor

The Secretary, by unanimous consent, inserted in section one the word "not" before the word "otherwise."

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—27.

NOES—Mr. Chase—1.

Title read and approved.

Senate Bill No. 408—An Act to amend section ten of the Political Code, defining legal holidays.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 409—An Act to amend section seven of the Civil Code, defining legal holidays.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 410—An Act to amend section ten of the Code of Civil Procedure, defining legal holidays.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 190 passed on file.

Senate Bill No. 317—An Act to amend section one thousand seven hundred and twenty-six of the Code of Civil Procedure, relating to the duties of Public Administrators.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, George, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—25.

NOES—None.

Title read and approved.

Senate Bill No. 395—An Act to provide for the payment of the Judges of the Superior Courts in this State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, George, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—25.

NOES—None.

Title read and approved.

Senate Bill No. 396—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the levy of attachments.

Mr. Nye moved that it be returned to the author, with instructions to add, at the end of subdivision two of first section, the following words: "The Recorder must index such attachment, when filed, in the names both of the defendant and of the person by whom the property is held, or in whose name it stands on the records."

Carried.

Senate Bill No. 421—An Act to amend section three hundred and thirty-two of the Penal Code, relating to cheating under pretension of playing at games of chance.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, George, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—25.

NOES—None.

Title read and approved.

Senate Bill No. 157—An Act to punish willful misrepresentation by life insurance companies and their agents.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, George, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Watson, West, and Zuck—25.

NOES—None.

Title read and approved.

Senate Bill No. 298—An Act to authorize the Boards of Supervisors of the several counties of this State to transfer certain funds.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Pardee, Rowell, Ryan, Sears, West, and Zuck—25.

NOES—Mr. Nye—1.

Title read and approved.

Senate Bill No. 367—An Act to repeal an Act entitled "An Act to create a drainage district, to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties," approved April first, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Ryan, Sears, West, and Zuck—26.

NOES—Mr. Rowell—1.

Title read and approved.

Senate Bill No. 339—An Act to abolish the payment of bounties for the destruction of gophers in Merced County.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, West, and Zuck—27.

NOES—Mr. Dickinson—1.

Title read and approved.

Senate Bill No. 55—An Act entitled an Act fixing the compensation of members, officers, and employes of the Legislature.

The Secretary, by unanimous consent, inserted the word "have" in section three.

Passed on file.

Senate Bill No. 210 passed on file.

Senate Bill No. 328 passed on file.

Senate Bill No. 391—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, Watson, West, and Zuck—28.

NOES—None.

Title read and approved.

Senate Bill No. 423—An Act to provide for the payment of Coroner's inquests held at the State Prisons of the State.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Sears, West, and Zuck—25.

NOES—Messrs. Brown and Rowell—2.

Title read and approved.

Senate Bill No. 444—An Act to amend section three hundred and seventy of the Code of Civil Procedure, relating to parties to actions.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, Watson, West, and Zuck—27.

NOES—Mr. Kane—1.

Title read and approved.

Senate Bill No. 418 passed on file.

Senate Bill No. 458—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirtieth fiscal year.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, Watson, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 459—An Act to provide for the deficiency in the appropriation for traveling expenses of the State Board of Education during the thirtieth fiscal year.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Neumann, Nye, Pool, Rowell, Sears, Watson, West, and Zuck—24.

NOES—Mr. Kane—1.

Title read and approved.

Senate Bill No. 460—An Act to provide for the deficiency in the appropriation for the contingent expenses of the Supreme Court during the thirtieth fiscal year.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 461—An Act to provide for the deficiency in the appropriation for arresting criminals without the limits of the State during the thirtieth fiscal year.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Conger, Dickinson, George, Glascock, Gorman, Harlan, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 462—An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirtieth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—29.

NOES—None.

Title read and approved.

Senate Bill No. 463—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Normal School for the twenty-ninth and thirtieth fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 464—An Act to appropriate money for the payment of the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers for the twenty-ninth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—28.

NOES—None.

Title read and approved.

Senate Bill No. 465—An Act to appropriate money for the payment of the deficiency in the appropriation for the transportation of prisoners for the twenty-ninth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, Watson, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 466—An Act to appropriate money for the payment of the deficiency in the appropriation for stationery, fuel, and lights for the twenty-ninth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, Watson, West, and Zuck—27.

NOES—None.

Title read and approved.

Senate Bill No. 328—An Act to empower and direct the Trustees of Levee District Number One of Sacramento County to pay certain indebtedness outstanding against the late Swamp Land District Number Two Hundred and Eighty-seven, contracted for repairs upon levee.

Read third time, and passed by the following vote :

AYES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hudson, Johnson, Johnston, Kelly, Neumann, Nye, Pool, Sears, Watson, West, and Zuck—21.

NOES—Messrs. Conger, Hittell, Kane, Lampson, Pardee, and Rowell—6.

Title read and approved.

At nine o'clock and three minutes P. M. Mr. Pardee moved to adjourn.

Lost.

Senate Concurrent Resolution No. 15—Relative to railroad companies and land patents.

On motion of Mr. Enos was made the special order for to-morrow, at three o'clock P. M.

Senate Bill No. 323, ordered at the foot of the second reading file.

Senate Bill No. 393 passed on file.

Senate Bill No. 244—An Act to amend section three thousand four hundred and sixty-six of the Political Code, in relation to the collection of delinquent charges and assessments in swamp land and reclamation districts made for reclamation purposes.

Previously read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 343 passed on file.

Senate Bill No. 401—An Act to add to part two, division second, of the Civil Code, a new title, to be known as title five, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Assembly Bill No. 392—An Act to authorize Boards of Supervisors to employ a deputy in certain cases.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill ordered on general file for third reading.

Senate Bill No. 332—An Act to provide for the construction, maintenance, and regulation of fish-ways.

Read second time.

Substitute adopted, and bill ordered engrossed.

Senate Bill No. 433—An Act relating to fishing in the waters of this State.

Read second time, and ordered passed on file.

At nine o'clock and twenty-seven minutes P. M. Mr. Enos moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Zuck, with the following result:

AYES—Messrs. Anderson, Burt, Enos, George, Gorman, Harlan, Hittell, Kelly, Lampson, Pardee, Pool, Watson, and West—13.

NOES—Messrs. Baker, Brown, Conger, Dickinson, Glascock, Hudson, Johnson, Johnston, Kane, Langford, Neumann, Nye, Rowell, Sears, and Zuck—15.

Lost.

Senate Bill No. 394—An Act to amend section eight hundred and eleven of the Penal Code, concerning the jurisdiction of Magistrates.

Read second time, and ordered engrossed.

ADJOURNMENT.

At nine o'clock and thirty minutes P. M., on motion of Mr. Pardee, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, April 1st, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday read, corrected, and approved.

Mr. Johnson moved to correct the Journal of yesterday, so as to make the motion to reconsider Senate Bill No. 229 read as follows:

Consideration of motion of Mr. Johnson to reconsider the vote whereby Senate Bill No. 329 failed to pass, March twenty-second, eighteen hundred and eighty.

Carried.

PETITIONS.

By Mr. Chase—Petition of A. B. Maynard and thirty-three others, citizens of Santa Barbara County, asking that the thirtieth day of May be declared a legal holiday.

Ordered on file.

By Mr. Hittell—A petition from citizens of the State, offering the following amendment to the State Constitution, and asking its ratification:

"The right of citizens of the United States to vote shall not be denied or abridged by the State of California on account of sex."

Read, and referred to the Committee on Elections.

REPORTS OF STANDING COMMITTEES.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, April 1st, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Senate Bill No. 476—An Act to provide for funding the indebtedness of cities having a population exceeding seven thousand inhabitants and not exceeding one hundred thousand—have had the same under consideration, and report the same back to the Senate with a substitute therefor, consisting of the original bill, No. 476, as amended by the committee, and recommend the passage of the said substitute.

HITTELL, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, March 31st, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was recommitted, with instructions, Senate Bill No. 289—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure, relative to writs of attachment—report the same back to the Senate with amendment, according to instructions.

NYE, Chairman.

Also:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred, with special instructions to draw a substitute for, Senate Bill No. 156—An Act to regulate the practice of medicine in the State of California, and defining who are legal physicians and surgeons—report the same back to the Senate with the substitute, according to instructions, and without recommendation.

Also, Assembly Bill No. 103—An Act to add five new sections to the Political Code of the State of California, to be numbered, respectively, sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, three thousand two hundred and forty-eight, three thousand two hundred and forty-nine, and three thousand two hundred and fifty, relative to fixing the hours of labor of drivers, conductors, and employes of street cars—without recommendation.

NYE, Chairman.

By Mr. Rowell:

SENATE CHAMBER, SACRAMENTO, April 1st, 1880.

MR. PRESIDENT: Your Committee on County and Township Governments, to whom were referred Senate Bills Nos. 434 and 435, have considered the same, and report them back, and recommend their passage as reported.

ROWELL, for Committee.

By Mr. Nye:

MR. PRESIDENT: The undersigned, to whom was recommitted Senate Bill No. 396, with instructions to amend, reports that he has amended the same as instructed, and herewith returns the bill as amended.

NYE.

Mr. Hudson verbally reported back a substitute for Senate Bill No. 156.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 31st, 1880.

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 192—An Act to

provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

GEO. C. PERKINS, Governor.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, SACRAMENTO, March 31st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March nineteenth, eighteen hundred and eighty, amended, and on March thirty-first, eighteen hundred and eighty, passed as amended, Senate Bill No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-two, eight hundred, eight hundred and one, eight hundred and two, eight hundred and six, eight hundred and eighty-eight, nine hundred and forty nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, nine hundred and fifty-five, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and fifty-nine, nine hundred and sixty, nine hundred and sixty-one, nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, nine hundred and sixty-eight, nine hundred and sixty-nine, nine hundred and seventy, nine hundred and seventy-one, nine hundred and seventy-two, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and eighty-one, nine hundred and eighty-two, nine hundred and eighty-five, nine hundred and eighty-eight, nine hundred and eighty-nine, nine hundred and ninety, nine hundred and ninety-five, nine hundred and ninety-six, nine hundred and ninety-seven, nine hundred and ninety-eight, nine hundred and ninety-nine, one thousand and four, one thousand and five, one thousand and eight, one thousand and nine, one thousand and twelve, one thousand and sixteen, one thousand and seventeen, one thousand and eighteen, one thousand and nineteen, one thousand and twenty-one, one thousand and twenty-two, one thousand and twenty-three, one thousand and twenty-four, one thousand and twenty-five, one thousand and thirty-three, one thousand and forty-three, one thousand and forty-seven, one thousand and forty-eight, one thousand and fifty-two, one thousand and sixty-five, one thousand and seventy-four, one thousand and ninety-three, one thousand and ninety-five, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand one hundred and three, one thousand one hundred and four, one thousand one hundred and thirteen, one thousand one hundred and fourteen, one thousand one hundred and fifteen, one thousand one hundred and seventeen, one thousand one hundred and twenty-one, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, one thousand one hundred and thirty-one, one thousand one hundred and forty-one, one thousand one hundred and forty-eight, one thousand one hundred and fifty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and fifty-eight, one thousand one hundred and fifty-nine, one thousand one hundred and sixty, one thousand one hundred and sixty-five, one thousand one hundred and seventy, one thousand one hundred and eighty-one, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand eight hundred and eighty-eight, one thousand two hundred, one thousand two hundred and seven, one thousand two hundred and thirty-eight, one thousand two hundred and seventy-three, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-seven, one thousand two hundred and eighty-nine, one thousand three hundred and ten, one thousand three hundred and twenty-six, one thousand three hundred and thirty-five, one thousand three hundred and forty-six, one thousand three hundred and forty-nine, one thousand three hundred and fifty-four, one thousand three hundred and fifty-eight, one thousand three hundred and sixty-eight, one thousand three hundred and seventy, one thousand three hundred and seventy-three, one thousand three hundred and eighty-two, one thousand three hundred and eighty-three, one thousand three hundred and ninety-five, one thousand three hundred and ninety-six, one thousand four hundred and one, one thousand four hundred and twenty-nine, of the Penal Code, and to add a new section thereto, to be known as section eight hundred and nine, to provide for prosecutions by information, and to adapt the provisions of said Code thereto.

Also, that the Assembly, on March thirty-first, eighteen hundred and eighty, concurred in Senate amendments to Assembly Bill No. 181—An Act to amend sections three hundred and fifty-two, three thousand six hundred and ninety-two, and three thousand seven hundred and two, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, and to add sections three thousand six hundred and ninety-five and three thousand seven hundred to said Code, relating to the State Board of Equalization.

JOHN G. HOWELL, Assistant Clerk.

Senate Bill No. 39, above reported, on motion of Mr. Johnson, was referred to the Judiciary Committee.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-sixth and twenty-seventh, eighteen hundred and eighty, amended, and on March thirty-first, eighteen hundred and eighty, passed, as amended, Senate Bill No. 399—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-five, one thousand five hundred and forty-six, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-one, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and sixteen, one thousand six hundred and seventeen, one thousand six hundred and nineteen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and twenty-four, one thousand six hundred and sixty-two, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand six hundred and ninety-six, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and fifteen, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-four, and to repeal sections one thousand five hundred and fifty-one (b), one thousand six hundred and fifty-two, one thousand six hundred and sixty-nine, one thousand six hundred and seventy, one thousand six hundred and seventy-one, one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, one thousand seven hundred and forty-six, one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, one thousand seven hundred and fifty-two, one thousand seven hundred and fifty-three, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and seventy-seven, one thousand seven hundred and ninety-three, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight, one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, and one thousand eight hundred and seventy-two, of the Political Code, and to add five new sections thereto, to be known as sections one thousand five hundred and sixty-five, one thousand five hundred and eighty-three, one thousand seven hundred and three, one thousand seven hundred and four, and one thousand eight hundred and seventy-nine.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 399, above reported, referred to the Committee on Education.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March thirty-first, eighteen hundred and eighty, concurred in Senate amendments to Assembly Bill No. 361—An Act in relation to certain deputies, assistants, and copyists of County Clerks.

Also, concurred in Senate amendments to Assembly Bill No. 53—An Act to amend section two thousand one hundred and seventy of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to common carriers.

J. M. WRIGHT, Assistant Clerk.

INTRODUCTION OF BILLS.

By Mr. Nye: Senate Bill No. 552—An Act to prevent the adulteration of honey.

Read first time, and referred to the Committee on Agriculture.

By Mr. Nelson: Senate Bill No. 553—An Act to provide for the election of Superintendents of Schools and Assessors, and to fix their terms of office.

Read first time, and referred to the Committee on Elections.

SECOND READING OF BILLS.

Senate Bill No. 550—An Act to provide a Contingent Fund for the use of the Senate.

Read second time, ordered engrossed, and ordered at head of the third reading file.

On motion of Mr. Traylor, Senate bill No. 374 was taken up out of order.

Senate Bill No. 374—An Act to provide for the further extension of the water front line of the City and County of San Francisco, and the construction of the sea-wall.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bills Nos. 134, 154, and 393 passed on the file.

Senate Bill No. 343 passed on the file.

Senate Bill No. 433—An Act relating to fishing in the waters of this State.

Mr. Conger offered the following amendment:

SECTION 1. All aliens are hereby prohibited from fishing or taking any fish, lobsters, shrimps, or shell fish of any kind, for the purpose of selling or giving to another person to sell. Every violation of the provisions of this Act shall be a misdemeanor, punishable, upon conviction, by a fine of not less than twenty-five dollars, or by imprisonment in the county jail for a period of not less than thirty days.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Upon which the ayes and noes were demanded by Messrs. Enos, Dickinson, and Conger, with the following result:

AYES—Messrs. Burt, Conger, Enos, Glasecock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Nelson, Nye, and Satterwhite—13.

NOES—Messrs. Anderson, Baker, Brown, Chase, Cheney, Dickinson, George, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—22.

Lost.

Mr. Hittell moved that the bill be indefinitely postponed.

Mr. Neumann moved that the bill be passed on file, for the purpose of perfecting the same.

Upon which, the ayes and noes were demanded by Messrs. Enos, Gorman, and Neumann, with the following result:

AYES—Messrs. Anderson, Brown, Carlock, Cheney, Dickinson, George, Glasecock, Gorman, Hittell, Lampson, Neumann, Pardee, Rowell, Ryan, and Sears—15.

NOES—Messrs. Baker, Burt, Enos, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pool, Satterwhite, Traylor, Watson, West, and Zuck—18.

Lost.

Upon the motion of Mr. Hittell to indefinitely postpone, the ayes and noes were demanded by Messrs. Enos, Hittell, and Gorman, with the following result:

AYES—Messrs. Burt, Brown, Hittell, Hudson, Lampson, Neumann, and Traylor—7.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glaseock, Gorman, Hill, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—28.

Lost.

Mr. West moved that the bill be recommitted to the author, with special instructions to report to-morrow morning, and that the same retain its place on the file.

Mr. Johnson moved the previous question.

Carried.

Upon the motion to recommit, the ayes and noes were demanded by Messrs. Johnson, Conger, and Gorman, with the following result:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Glaseock, Harlan, Hittell, Lampson, Moreland, Nelson, Neumann, Rowell, Sears, and West—18.

NOES—Messrs. Baker, Burt, Enos, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Nye, Pardee, Pool, Satterwhite, and Traylor—15.

Carried.

Assembly Bill No. 210 passed on file.

Senate Bill No. 356—An Act to impose a license upon land owners.

Mr. Nye moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Nye, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Dickinson, George, Glaseock, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—23.

NOES—Messrs. Carlock, Chase, Cheney, Conger, Enos, Gorman, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, and West—13.

Carried.

During the calling of the roll Mr. Johnson moved a call of the Senate.

Carried.

The absentees were called, and, on motion of Mr. Gorman, were excused.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

On motion of Mr. Dickinson, Senate Bill No. 516 was taken up in place of Senate Bill No. 411.

Senate Bill No. 411 passed on file.

Senate Bill No. 516—An Act to add certain sections to the Political Code, concerning the State militia, and to be known as sections nineteen hundred and seventy-eight and nineteen hundred and seventy-nine.

Read second time.

Upon the question of engrossment, the ayes and noes were demanded by Messrs. Enos, Dickinson, and Johnson, with the following result:

AYES—Messrs. Brown, Carlock, Cheney, Davis, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Traylor, Watson, West, and Zuck—16.

NOES—Messrs. Anderson, Burt, Chase, Conger, Dickinson, Enos, Glaseock, Gorman, Harlan, Hill, Kane, Kelly, Langford, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, and Sears—20.

Lost.

Mr. Dickinson gave notice that, on to-morrow, he would move a

reconsideration of the vote whereby Senate Bill No. 516 was refused engrossment.

Senate Bill No. 324 withdrawn by leave by the author.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

By leave, Mr. Harlan introduced the following bill: Senate Bill No. 554—An Act to amend an Act entitled an Act to reincorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

Read first time, and referred to the Judiciary Committee.

By Mr. Hill (by leave): Senate Bill No. 555—An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

Read first time, and ordered at the head of the second reading file.

THIRD READING—SPECIAL ORDER FOR ONE O'CLOCK AND THIRTY MINUTES P. M.

Consideration of motion of Mr. Hittell to reconsider the vote whereby Senate Bill No. 43 failed to pass.

Upon the motion to reconsider the ayes and noes were demanded by Messrs. Hittell, Hill, and Johnson, with the following result:

AYES—Messrs. Brown, Carlock, Cheney, Davis, Dickinson, George, Harlan, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Traylor, and Watson—15.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Hill, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, and West—19.

Senate refused to reconsider.

SPECIAL ORDER FOR ONE O'CLOCK AND THIRTY MINUTES P. M.

Consideration of motion of Mr. Ryan to reconsider the vote whereby Senate Bill No. 132 was indefinitely postponed.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Ryan, Enos, and Hill, with the following result:

AYES—Messrs. Anderson, Carlock, Cheney, Conger, Davis, Enos, Glascock, Harlan, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Ryan, Satterwhite, Traylor, Watson, and West—19.

NOES—Messrs. Brown, Chase, Dickinson, George, Gorman, Hill, Hittell, Hudson, Lampson, Nye, Pardee, Rowell, Sears, and Zuck—14.

Carried.

Senate Bill No. 132—An Act to appropriate moneys out of the State treasury to pay the Clerk of the State Board of Equalization for services rendered as such Clerk.

Read second time.

Upon the question of engrossment, the ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Anderson, Carlock, Conger, Davis, Enos, Glascock, Harlan, Johnston, Kane, Kelly, Nelson, Pool, Ryan, Satterwhite, Traylor, and West—16.

NOES—Messrs. Brown, Chase, Cheney, Dickinson, George, Gorman, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Watson, and Zuck—19.

Refused engrossment.

Mr. Johnson announced that he was paired with Mr. Baker, Mr. Johnson voting for and Mr. Baker against the bill.

Consideration of motion of Mr. Sears to reconsider the vote whereby Assembly Bill No. 94 was lost, March twenty-ninth, eighteen hundred and eighty.

Motion withdrawn.

Senate Bill No. 350 passed on file.

Mr. Hittell, pursuant to notice given on yesterday, now moved a reconsideration of the vote whereby Assembly Bill No. 97 was passed.

Upon which the ayes and noes were demanded by Messrs. Hittell, Johnson, and Hill, with the following result:

AYES—Messrs. Brown, Cheney, Conger, Dickinson, Hittell, Hudson, Kelly, Lampson, Nelson, Neumann, Pardee, and Pool—12.

NOES—Messrs. Anderson, Carlock, Chase, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Langford, Moreland, Nye, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and West—23.

Lost.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, April 1st, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: No. 242—An Act to amend chapter one, title fifteen, of the Penal Code, relating to the violation of laws for the preservation of fish and game.

No. 418—An Act to regulate the sale of certain poisonous substances.

No. 63—An Act to provide for the speedy completion of the State Prison at Folsom.

No. 286—An Act to confer power upon Boards of Supervisors of cities containing more than one hundred thousand inhabitants, to extend and complete all main intercepting sewers heretofore partially constructed.

CHENEY, Chairman.

Leave of absence was granted Mr. Enos for twenty minutes.

Senate Bill No. 242—An Act to amend chapter one, title fifteenth, of the Penal Code, relating to the violation of laws for the preservation of fish and game.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—31.

NOES—None.

Title read and approved.

MESSAGE FROM THE GOVERNOR.

On motion of Mr. Hittell, the following message from the Governor was taken up out of order:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 1st, 1880.

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 118—entitled an Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice, and various officers connected therewith.

GEO. C. PERKINS, Governor.

Mr. Watson, by leave, introduced Senate Bill No. 556—An Act making an appropriation for deficiency in the expenses of the State Prison for the thirty-first fiscal year ending June third, A. D. eighteen hundred and eighty.

Read first time, and referred to the Committee on Finance.

By Mr. Johnston (by leave): Senate Bill No. 557—An Act making an appropriation for deficiency in the appropriation for the permanent improvement of the State Capitol grounds lying east of the State Capitol building.

Read first time, and referred to the Committee on Public Buildings.

Senate Bill No. 190 recommitted to the author, on motion of Mr. Watson, with special instructions.

Senate Bill No. 55 passed on file.

Senate Bill No. 210—An Act to regulate the charges upon telegraph lines, and to prevent extortion by owners of telegraph lines.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Nelson, Nye, Rowell, Satterwhite, Sears, and West—24.

NOES—Messrs. Brown, Hittell, Langford, Moreland, Pardee, and Traylor—6.

Title read and approved.

Senate Bills Nos. 418, 469, and 392 passed on the file.

Senate Bill No. 63—An Act to provide for the speedy completion of the State Prison at Folsom.

Read third time.

During the consideration of the same, the hour having arrived for the consideration of the special orders set for three o'clock P. M., the same, on motion of Mr. Hittell, was deferred until after the disposition of the bill now under consideration.

Upon the passage of Senate Bill No. 63, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, and West—29.

NOES—Messrs. Hill, Kane, Kelly, Nelson, Rowell, Sears, and Zuck—7.

Title read and approved.

SPECIAL ORDERS FOR THREE O'CLOCK P. M.

Senate Concurrent Resolution No. 15—Relative to railroad companies and land patents.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—36.

NOES—None.

Title read and approved.

SPECIAL ORDER.

Consideration of motion of Mr. Hittell to reconsider the vote whereby Senate Bill No. 58 was passed March seventeenth, eighteen hundred and eighty.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Hittell, Neumann, and Chase, with the following result:

AYES—Messrs. Anderson, Brown, Carlock, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, and Traylor—21.

NOES—Messrs. Chase, Cheney, Conger, Davis, Enos, Gorman, Hill, Johnson, Johnston, Kane, Satterwhite, Sears, West, and Zuck—14.

Carried.

Mr. Johnston raised the point of order that Mr. Dickinson should not be allowed to vote, he being outside of the bar of the Senate at the time of the calling of the roll.

The Chair ruled that Mr. Dickinson, under the second call of the roll, was in his seat and entitled to vote, there being no objections raised at the time of voting.

Mr. Johnston appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the roll was called with the following result:

AYES—Messrs. Anderson, Brown, Carlock, Conger, Davis, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—29.

NOES—Messrs. Chase, Cheney, Enos, Hill, and Johnston—5.

Decision of the chair sustained.

Senate Bill No. 58—An Act to restrict and limit titles to real estate.

During the consideration of the same Mr. Enos moved a call of the Senate.

The roll was called, and all the Senators answered to their names except Senator Baker.

Mr. Baker appeared before the bar of the Senate, rendered his excuses, and was excused.

On motion of Mr. Sears, further proceedings under the call were dispensed with.

Senate Bill No. 58 resumed.

Upon the passage of the bill, the roll was called, and the bill lost by the following vote:

AYES—Messrs. Chase, Cheney, Conger, Davis, Enos, Gorman, Hill, Johnson, Johnston, Kane, Satterwhite, Sears, Watson, West, and Zuck—15.

NOES—Messrs. Anderson, Baker, Brown, Carlock, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, and Traylor—23.

Leave of absence was granted Mr. Baker until five o'clock p. m.

Mr. Hittell, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Senate Bill No. 329 was passed.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Hittell, Johnson, and Harlan, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Langford, Moreland, Nye, Pool, Rowell, Sears, and Watson—16.

NOES—Messrs. Brown, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Pardee, Ryan, Satterwhite, Traylor, and West—19.

Lost.

Mr. Zuck announced that he was paired with Mr. Baker.

RECESS.

At four o'clock and forty minutes p. m., on motion of Mr. Pardee, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes p. m. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langston, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

SECOND READING FILE.

Senate Bill No. 416—An Act to amend section number one thousand three hundred and thirteen of the Civil Code, concerning devises to charitable uses.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in the Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 428—An Act to amend section nine hundred and eighty-seven of the Penal Code, relating to the power of the Court to appoint counsel in criminal cases.

Read second time, and passed on file.

Senate Bill No. 429—An Act to amend sections seven hundred and fifty-seven and seven hundred and fifty-eight of the Code of Civil Procedure.

Read second time, and bill ordered engrossed.

Senate Bill No. 449 passed on file.

Assembly Bill No. 55—An Act to amend sections two hundred and thirty-five and two hundred and sixty-six of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the meeting of the Legislature, and the compensation of its members.

Read second time, and bill ordered on the general file for third reading.

Assembly Bill No. 144—An Act to amend an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March twenty-eighth, eighteen hundred and seventy-four.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill ordered on the general file for third reading.

Assembly Bill No. 146—An Act to amend an Act entitled "An Act concerning the selection and sale of University lands," approved March thirteenth, eighteen hundred and seventy-four.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill ordered on the general file for third reading.

Assembly Bill No. 228—An Act to repeal an Act entitled an Act in relation to the office of Court Commissioner of San Joaquin County, approved March twelfth, eighteen hundred and seventy.

Read second time, and bill ordered on the general file for third reading.

Assembly Bill No. 224—An Act to amend sections one thousand two hundred and forty-six, one thousand two hundred and forty-eight, and one thousand two hundred and fifty-two, of the Penal Code, relative to appeals to the Supreme Court.

Read second time, and bill ordered on the general file for third reading.

Senate Bill No. 23—An Act to amend sections eighty-five, eighty-six, eighty-nine, two hundred and twenty-seven, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen, of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to crimes and punishments.

The question recurring upon the concurrence of the Assembly amendments, the roll was called with the following result:

AYES—Messrs. Baker, Burt, Chase, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, West, and Zuck—31.

NOES—None.

Amendments concurred in.

Assembly Bill No. 23 indefinitely postponed, on motion of Mr. Nye.

Senate Bill No. 183—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, three thousand eight hundred and eighty-one, of the Political Code, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six, of said Code, providing for a duplicate assessment book.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Mr. Hittell moved that the Senate take up Assembly message out of order.

Lost.

REPORT OF ENGROSSING COMMITTEE.

By Mr. Glascock (for Chairman):

SENATE CHAMBER, April 1st, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz: Senate Bill No. 383—An Act to establish a Branch State Normal School.

Senate Bill No. 315—An Act to regulate the issuance of certificates of stock of stock companies incorporated under the laws of this State.

Senate Bill No. 414—An Act requiring manufacturers to stamp or mark goods.

CHENEY, Chairman.

SECOND READING OF BILLS—CONTINUED.

Senate Bill No. 87—An Act designating the places in which polls shall be located.

Read second time, substitute adopted, and bill ordered engrossed.

Senate Bill No. 425—An Act concerning roads and highways in the several counties of this State.

Passed on file.

Senate Bill No. 316—An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities, now in the State Treasurer's office and not otherwise appropriated.

Bill read second time.

Mr. Neumann moved to indefinitely postpone the bill.

Lost.

Mr. Sears moved that the bill be passed on the file.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Sears, with the following result:

AYES—Messrs. Baker, Burt, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Moreland, Nelson, Neumann, Pardee, Rowell, Sears, Watson, and Zuck—16.

NOES—Messrs. Anderson, Chase, Conger, Davis, Dickinson, Enos, George, Gorman, Johnson, Johnston, Kane, Langford, Nye, Pool, Ryan, Traylor, and West—17.

Lost.

At nine o'clock and forty minutes p. m. Mr. Pardee moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Pardee, with the following result:

AYES—Messrs. Conger, George, Harlan, Hittell, Kelly, Lampson, Moreland, Nelson, Neumann, Pardee, Watson, and West—12.

NOES—Messrs. Anderson, Baker, Chase, Davis, Dickinson, Enos, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Langford, Nye, Pool, Rowell, Ryan, Sears, Traylor, and Zuck—20.

Lost.

The question now recurred upon the question of engrossment of Senate Bill No. 316.

Upon which the ayes and noes were demanded by Messrs. Davis, Enos, and Traylor, with the following result:

Ayes—Messrs. Anderson, Baker, Burt, Chase, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Langford, Nye, Pool, Ryan, Traylor, West, and Zuck—22.

Nays—Messrs. Conger, Hittell, Kelly, Lampson, Moreland, Nelson, Neumann, Pardee, Rowell, Sears, and Watson—11.

Bill ordered engrossed.

REPORT.

By Mr. Dickinson (by leave):

SENATE CHAMBER, SACRAMENTO, March 31st, 1880.

MR. PRESIDENT: The undersigned, members of the Senate Committee on Corporations, beg leave to present the following minority report against the passage of Senate Bill No. 400—entitled an Act to amend section two thousand seven hundred and fifty-six of the Civil Code, and to add a new section to the same Code, to be known as section two thousand seven hundred and fifty-seven, concerning fire insurance—for the following among other reasons:

First—It contravenes and overrides the fundamental principle of fire insurance, which is indemnity, and not a gambling contract.

Second—It will legalize incendiarism and fraud, encourage collusion, and compel payment in many cases beyond the actual loss.

Third—Every insurance corporation by the nature of its business becomes the distributor of loss among the many by relieving the few from special damages: hence every measure calculated to increase the ratio of loss, correspondingly enhances the cost of insurance. This has been fully shown by the experience of the State of Wisconsin, where a similar bill was enacted, and now sought to be repealed upon recommendation of its Insurance Superintendent: the ratio of loss in that State having increased to eighty per cent. of aggregate receipts, limiting companies writing upon real property, and materially increasing rates generally. A similar law has been passed in several other States, but repealed in all but Wisconsin.

Fourth—It is not sufficiently definite, leaving in doubt whether in case of more than one policy on a building the different policies are to pay pro rata of the whole value or whether each policy shall be held for its whole face, thus multiplying the payment just as many times as there are policies on the risk.

Fifth—It gives no opportunity for adjustment of differences between the parties to the contract, but compels a forced, arbitrary payment, wholly disregarding the equity in the case.

Sixth—It makes an invidious distinction against the fire insurance contract as compared with all other contracts, for which there is no foundation in the character of the business or in fair dealing among men.

Seventh—It overthrows the most solemn principles of justice by making property worth more to burn up and destroy (reducing the general wealth of the State in so much) than to keep and improve the same, thus adding to the general benefit of the State.

Insurance is a necessity, and should be available to all, in both city and country; and by a bill of this kind we restrict it, for by imposing such an obligation upon insurance companies you limit them in the number of agencies, for every company would be obliged to have agents with particular qualifications to judge of values, and these it would oftentimes be difficult to procure, and many small communities would be left without agencies.

Many other reasons might be adduced, but we deem the above to be sufficient why the bill should not pass, and we now recommend that it do not pass.

JNO. H. DICKINSON,
WM. H. SEARS,
W. W. TRAYLOR.

Mr. Zuck moved that Senators Rowell and Sears be added to the Committee on Claims.

ADJOURNMENT.

During the consideration of the same, at nine o'clock and fifty-three minutes p. m., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, April 2d, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lumpson, Lungford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, April 2d, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Assembly Bill No. 327—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purposes, and to create a Board of Fire Commissioners—have had the same under consideration, and report the same back to the Senate, and recommend that it be referred to the Committee on County and Township Governments.

HITTELL, Chairman.

Recommendation of the committee approved.

By Mr. Satterwhite:

MR. PRESIDENT: The undersigned, a majority of the Committee on Elections, have had the claims for election expenses of certain contestants under consideration, and would report that they find that the following named persons are entitled to the amounts set opposite their respective names:

W. W. Traylor	\$500 00
C. C. Conger	675 00
T. K. Nelson	350 00

JOHN W. SATTERWHITE,
GROVE L. JOHNSON,
PIERCE H. RYAN,
WM. L. ANDERSON.

Mr. Satterwhite moved that Messrs. Traylor, Conger, and Nelson be allowed the amounts set opposite their names, said amounts to be paid out of the Contingent Fund of the Senate.

Motion ordered on the general file.

By Mr. Neumann:

MR. PRESIDENT: The minority of your Committee on Elections, to whom was referred the claims of Messrs. W. W. Traylor, C. C. Conger, T. K. Nelson, and T. J. Parler, for expenses of contest, beg leave to report that they have had the same under consideration, and report the same back, with the recommendation that they be indefinitely postponed.

PAUL NEUMANN.

By Mr. Johnston:

SENATE CHAMBER, SACRAMENTO, April 1st, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 325—An Act to add a section to the Penal Code, to be known as section five hundred and ninety-nine, relative to malicious mischief—have had the same under consideration, and report the same back to the Senate with an amendment, and recommend its passage as amended.

JOHNSTON, Chairman.

By Mr. Brown:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 260—An Act to amend sections two thousand six hundred and eighteen and two thousand six hundred and ninety-eight of the Political Code, relative to highways—have had the same under consideration, and amended the same, and recommend its passage as amended.

BROWN, Chairman.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 1st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-ninth, eighteen hundred and eighty, amended, and on March thirty-first, eighteen hundred and eighty, passed as amended, Senate Bill No. 174—An Act to amend sections one thousand two hundred and ninety-five, one thousand two hundred and ninety-eight, one thousand three hundred and three, one thousand three hundred and five, one thousand three hundred and thirteen, one thousand three hundred and seventeen, one thousand three hundred and twenty-two, one thousand three hundred and thirty-eight, one thousand three hundred and forty, one thousand three hundred and forty-five, one thousand three hundred and sixty, one thousand three hundred and sixty-one, one thousand three hundred and sixty-two, one thousand three hundred and seventy-two, one thousand three hundred and seventy-three, one thousand three hundred and eighty-three, one thousand three hundred and eighty-eight, one thousand three hundred and eighty-nine, one thousand three hundred and ninety-one, one thousand three hundred and ninety-three, one thousand three hundred and ninety-four, one thousand three hundred and ninety-seven, one thousand three hundred and ninety-eight, one thousand four hundred and two, one thousand four hundred and three, one thousand four hundred and six, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and twenty-six, one thousand four hundred and twenty-seven, one thousand four hundred and thirty, one thousand four hundred and thirty-one, one thousand four hundred and thirty-two, one thousand four hundred and thirty-three, one thousand four hundred and thirty-six, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thousand four hundred and fifty-two, one thousand four hundred and fifty-three, one thousand four hundred and fifty-nine, one thousand four hundred and sixty, one thousand four hundred and sixty-one, one thousand four hundred and sixty-four, one thousand four hundred and sixty-five, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand four hundred and seventy, one thousand four hundred and seventy-four, one thousand four hundred and seventy-five, one thousand four hundred and eighty-five, one thousand four hundred and ninety-three, one thousand four hundred and ninety-four, one thousand four hundred and ninety-five, one thousand four hundred and ninety-six, one thousand four hundred and ninety-seven, one thousand four hundred and ninety-eight, one thousand four hundred and ninety-nine, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and seven, one thousand five hundred and ten, one thousand five hundred and twelve, one thousand five hundred and seventeen, one thousand five hundred and nineteen, one thousand five hundred and twenty-three, one thousand five hundred and twenty-six, one thousand five hundred and twenty-nine, one thousand five hundred and thirty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-six, one thousand five hundred and thirty-seven, one thousand five hundred and forty, one thousand five hundred and forty-one, one thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-five, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-six, one thousand five hundred and sixty-nine, one thousand five hundred and seventy, one thousand five hundred and seventy-five, one thousand five hundred and eighty-five, one thousand five hundred and eighty-eight, one thousand five hundred and ninety, one thousand five hundred and ninety-one, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred and two, one thousand six hundred and three, one thousand six hundred and four, one thousand six hundred and sixteen, one thousand six hundred and eighteen, one thousand six hundred and twenty-two, one thousand six hundred and twenty-three, one thousand six hundred and twenty-four, one thousand six hundred and twenty-five, one thousand six hundred and twenty-nine, one thousand six hundred and thirty-two, one thousand six hundred and thirty-three, one thousand six hundred and forty, one thousand six hundred and forty-nine, one thousand six hundred and sixty-one, one thousand six hundred and sixty-seven, one thousand six hundred and sixty-nine, one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and seventy-seven, one thousand six hundred and eighty, one thousand six hundred and eighty-four, one thousand six hundred and

eighty-five, one thousand six hundred and eighty-six, one thousand six hundred and ninety-two, one thousand six hundred and ninety-three, one thousand six hundred and ninety-four, one thousand six hundred and ninety-six, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, one thousand seven hundred and sixteen, one thousand seven hundred and eighteen, one thousand seven hundred and twenty, one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty, one thousand seven hundred and thirty-three, one thousand seven hundred and thirty-four, one thousand seven hundred and thirty-five, one thousand seven hundred and thirty-six, one thousand seven hundred and thirty-seven, and one thousand seven hundred and forty, of the Code of Civil Procedure, relating to the settlement of estates of deceased persons.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 174, above reported, referred to the Judiciary Committee.

ASSEMBLY CHAMBER, SACRAMENTO, April 1st, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March thirtieth, eighteen hundred and eighty, adopted Assembly Concurrent Resolution No. 21—Relative to the adjournment *sine die* of the Twenty-third Session of the Legislature of California.

Also, that the Assembly, on March thirty-first, eighteen hundred and eighty, passed Assembly Bill No. 354—An Act to provide for the protecting of lands from overflow other than lands recognized as swamp lands.

JOHN G. HOWELL, Assistant Clerk.

Assembly Concurrent Resolution No. 21, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 354, above reported, read first time, and referred to the Committee on Irrigation, Water Rights, and Drainage.

Leave of absence was granted Mr. Baker.

ASSEMBLY CHAMBER, April 2d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March thirty-first, eighteen hundred and eighty, passed Assembly Bill No. 334—An Act to promote drainage.

Also, that on April second, eighteen hundred and eighty, the Assembly adopted Senate Concurrent Resolution No. 25—Relative to appointment of three members of State Board of Health to consider the subject of a hospital for consumptives.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 334, above reported, read first time.

Mr. Glascock moved that the bill be referred to the Committee on Swamp and Overflowed Lands.

Mr. Sears moved, as an amendment, that the bill be referred to the Committee on Swamp and Overflowed Lands, and also to the Committee on Irrigation, Water Rights, and Drainage, to act conjointly upon the same.

Upon which the ayes and noes were demanded by Messrs. Burt, Glascock, and Enos, with the following result:

AYES—Messrs. Davis, Dickinson, Harlan, Hill, Hittell, Johnson, Kane, Lampson, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, West, and Zuck—17.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Enos, George, Gorman, Hudson, Johnston, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Watson—19.

Lost.

Upon the motion to refer the bill to the Committee on Swamp and Overflowed Lands, the ayes and noes were demanded by Messrs. Davis, Enos, and Johnson, with the following result:

AYES—Messrs. Anderson, Chase, Enos, Gorman, Harlan, Hill, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, and Satterwhite—14.

NOES—Messrs. Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Kane, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—22.

Lost.

Bill referred to the Committee on Irrigation, Water Rights, and Drainage.

By leave, Mr. Davis made the following report out of order :

MR. PRESIDENT: Your Committee on Education, to whom was referred the Assembly amendments to Senate Bill No. 399, have had the same under consideration, and report the same back, with the recommendation that said amendments be concurred in.

DAVIS, Chairman.

On motion of Mr. Dickinson, the rules were suspended, and Senate Bill No. 399 taken up out of order.

Assembly amendments read, and concurred in by the following vote :

AYES—Messrs. Carlock, Chase, Conger, Davis, Dickinson, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, and West—21.

NOES—Messrs. Anderson, Burt, Johnston, Moreland, Pardee, and Rowell—6.

SECOND READING OF BILLS.

Senate Bill No. 555—An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

Read second time, and bill ordered engrossed.

Senate Bill No. 400—An Act to amend section two thousand seven hundred and fifty-six of the Civil Code, and to add a new section to the same Code, to be known as section two thousand seven hundred and fifty-seven, concerning fire insurance.

Read second time.

Mr. Sears moved that the enacting clause be stricken out.

RECESS.

During the consideration of the motion, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 550—An Act to provide a Contingent Fund for the use of the Senate.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Moreland, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—27.

NOES—Mr. Langford—1.

Title read and approved.

Senate Bill No. 350 passed temporarily on file.

Senate Bill No. 55—An Act to amend sections two hundred and forty-five, two hundred and forty-six, two hundred and forty-eight, two hundred and forty-nine, two hundred and sixty-six, two hundred and sixty-seven, and two hundred and sixty-eight, of the Political Code, relating to members, officers, and employes of the Legislature.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Nye, Pardee, Rowell, Ryan, Sears, Traylor, West, and Zuck—26.

NOES—Messrs. Burt, Enos, Gorman, Hudson, Johnston, Langford, Moreland, and Nelson—8.

Title read and approved.

Senate Bill No. 418—An Act to regulate the sale of certain poisonous substances.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—28.

NOES—Messrs. Chase, Cheney, Conger, and Kane—4.

Title read and approved.

Mr. Hittell was granted leave of absence for the rest of the afternoon on account of sickness.

Senate Bill No. 469—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirtieth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Traylor, Watson, West, and Zuck—30.

NOES—Mr. Enos—1.

Title read and approved.

By unanimous consent the Secretary was authorized to correct a clerical error in the title.

RESOLUTION.

By Mr. Pardee (by leave):

Resolved, That the Committee on Judiciary be and they are hereby requested to report on Monday next, April fifth, on Concurrent Resolution No. 21, in reference to adjournment of the Legislature on the thirteenth instant.

Adopted.

Mr. Cheney was granted leave of absence.

Assembly Bill No. 392—An Act to authorize Boards of Supervisors to authorize employment of deputies in certain cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Traylor, Watson, West, and Zuck—26.

NOES—Messrs. Conger, Enos, Kane, and Nelson—4.

Title read and approved.

Senate Bill No. 289—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure, relating to writs of attachment.

Read third time.

By unanimous consent the Secretary was authorized to insert the word "or," and also the word "three," in place of the word "two," in section one.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Traylor, Watson, West, and Zuck—30.

NOES—Mr. Enos—1.

Title read and approved.

Senate Bill No. 275—An Act to provide for the erection of buildings and improvements for the Deaf and Dumb and Blind Asylum.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Traylor, Watson, West, and Zuck—28.

NOES—Messrs. Gorman and Moreland—2.

Title read and approved.

Senate Bill No. 286—An Act to confer power upon Boards of Supervisors of cities containing more than one hundred thousand inhabitants to extend and complete all main intercepting sewers heretofore partially constructed.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hudson, Johnson, Lampson, Neumann, Pardee, Ryan, Traylor, Watson, West, and Zuck—21.

NOES—Messrs. Conger, Gorman, Kane, Kelly, Moreland, and Nelson—6.

Title read and approved.

Senate Bill No. 396—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the levy of attachments.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheuey, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Traylor, West, and Zuck—29.

NOES—Mr. Hill—1.

Title read and approved.

Mr. West moved a call of the Senate.

Lost.

Senate Bill No. 383—An Act to establish a Branch State Normal School.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnson, Kane, Lampson, Moreland, Nelson, Neumann, Nye, Ryan, Satterwhite, Traylor, Watson, and West—24.

NOES—Messrs. Burt, Brown, Dickinson, Hill, Kelly, Langford, Pardee, Sears, and Zuck—9.

Title read and approved.

Senate Bill No. 315—An Act to regulate the issuance of certificates of stock of stock companies incorporated under the laws of this State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Watson, and West—26.

NOES—Messrs. Brown, Dickinson, Lampson, Neumann, Pardee, Traylor, and Zuck—7.

Title read and approved.

Mr. Sears gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 315 was passed.

Senate Bill No. 414—An Act requiring manufacturers to stamp or mark goods.

Read third time, and lost by the following vote:

AYES—Messrs. Carlock, Chase, Conger, Enos, Glascock, Gorman, Harlan, Johnson, Kane, Kelly, Moreland, Nelson, Nye, Pool, Ryan, and Zuck—16.

NOES—Messrs. Anderson, Burt, Brown, Davis, Dickinson, George, Hill, Hudson, Lampson, Langford, Neumann, Pardee, Rowell, Sears, Traylor, and Watson—16.

Assembly Bill No. 55—An Act to amend sections two hundred and thirty-five and two hundred and sixty-six of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the meeting of the Legislature, and the compensation of its members.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—31.

NOES—Mr. Langford—1.

Title read and approved.

Assembly Bill No. 144—An Act to amend an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March twenty-eighth, eighteen hundred and seventy-four.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—32.

NOES—None.

Title read and approved.

Mr. Watson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 383 was passed.

Assembly Bill No. 146—An Act to amend an Act entitled "An Act concerning the selection and sale of University lands," approved March thirteenth, eighteen hundred and seventy-four.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—31.

NOES—None.

Title read and approved.

Assembly Bill No. 228—An Act to repeal an Act entitled an Act in relation to the office of Court Commissioner of San Joaquin County, approved March twelfth, eighteen hundred and seventy.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—33.

NOES—None.

Title read and approved.

Assembly Bill No. 224—An Act to amend sections one thousand two hundred and forty-six, one thousand two hundred and forty-eight, and one thousand two hundred and fifty-two, of the Penal Code, relative to appeals to the Supreme Court.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—29.

NOES—None.

Title read and approved.

Senate Bill No. 430—An Act releasing to Wm. Scholle and his assignees certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Davis, Dickinson, George, Harlan, Hill, Hudson, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, West, and Zuck—22.

NOES—Messrs. Conger, Enos, Glascock, Gorman, Johnston, Kelly, Moreland, Nelson, Ryan, Traylor, and Watson—11.

Title read and approved.

Mr. Cheney, from the Committee on Engrossment, verbally reported back Senate Bill No. 374 for correction.

Mr. Traylor moved that the Secretary be authorized to insert in the above bill the enacting clause.

Carried.

Senate Bill No. 350—An Act to add a new section to the Civil Code, to be known as section one thousand three hundred and fourteen, relating to the transfer of land by will or devise.

Read third time.

The roll was called, and the bill failed to pass by the following vote:

AYES—Messrs. Burt, Chase, Cheney, Conger, George, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Nelson, West, and Zuck—14.

NOES—Messrs. Anderson, Brown, Carlock, Davis, Dickinson, Enos, Glascock, Harlan, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Traylor, and Watson—20.

SECOND READING OF BILLS.

Senate Bill No. 400 resumed.

The question recurred upon the motion to strike out the enacting clause.

Upon which the ayes and noes were demanded by Messrs. Enos, Dickinson, and Hill, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Conger, Davis, Dickinson, George, Hudson, Johnson, Langford, Neumann, Nye, Ryan, Sears, Traylor, Watson, and Zuck—17.

NOES—Messrs. Burt, Brown, Cheney, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Lampson, Pardee, Rowell, Satterwhite, and West—15.

Carried.

By Mr. Zuck (by leave):

SENATE CHAMBER, SACRAMENTO, April 2d, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following resolution, viz:

Resolved, That John P. Cosgrove be and he is hereby allowed the sum of two hundred and eighty-one dollars and eighty cents out of the contingent expenses of the Senate, for services performed by him as Phonographic Reporter of the State Prison Committee.

Have had the same under consideration, report it back with a substitute, and recommend the adoption of the substitute as follows:

Resolved, That John P. Cosgrove be and he is hereby allowed the sum of two hundred and eighty-one dollars and eighty cents, payable out of the appropriation for the contingent expenses of the Senate, for services performed by him as Phonographic Reporter of the State Prison Committee.

ZUCK, Chairman.

Substitute, above reported, adopted.

Senate Bills Nos. 134 and 154 passed on file.

Senate Bill No. 393—An Act entitled an Act to authorize D. M. Kenfield to sue the State of California.

Read second time.

Senate considered as in Committee of the Whole.

Amendment adopted in Senate.

Mr. Sears moved that the enacting clause be stricken out.

Upon which the ayes and noes were demanded by Messrs. Sears, Zuck, and Enos, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Chase, Dickinson, Hill, Hudson, Kane, Langford, Moreland, Nye, Pardee, Rowell, Sears, Watson, and Zuck—16.

NOES—Messrs. Anderson, Brown, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Pool, Ryan, Traylor, and West—19.

Lost.

The question now recurred upon the engrossment of the bill.

The ayes and noes were demanded by Messrs. Enos, Sears, and Lampson.

During the calling of the roll the absentees were called for by Mr. Johnson.

Mr. Neumann, being one of the absentees and coming within the bar of the Senate, asked to have his vote recorded.

Mr. Satterwhite objected.

The Chair decided that, under rule thirty, Mr. Neumann was not entitled to vote, there being objections.

From which decision Mr. Johnson appealed.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Davis, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Langford, Marchand, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—28.

NOES—Messrs. Cheney, Conger, Dickinson, Enos, Johnson, and Lampson—6.

Decision of the Chair sustained.

Bill ordered engrossed by the following vote :

AYES—Messrs. Baker, Brown, Carlock, Cheney, Conger, Enos, Gorman, Harlan, Johnson, Johnston, Kelly, Lampson, Nelson, Pool, Ryan, T aylor, and West—17.

NOES—Messrs. Anderson, Burt, Chase, Dickinson, Glascock, Hill, Hudson, Kane, Langford, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, Watson, and Zuck—17.

There being a tie vote the Chair being called upon to vote voted aye.

RECESS.

At five o'clock and five minutes P. M., on motion of Mr. Pardee, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Rowell, Ryan, Sears, T aylor, Watson, West, and Zuck.

Quorum present.

Senate Bills Nos. 343 and 433 passed on file.

Assembly Bill No. 210—An Act to amend sections eight hundred and twenty-five and eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill as amended ordered on the general file for third reading.

Senate Bill No. 411 passed on file.

Senate Bill No. 428—An Act to amend section nine hundred and eighty-seven of the Penal Code, relating to the power of the Court to appoint counsel in criminal cases.

Previously read second time.

Senate considered as in Committee of the Whole.

Upon the question of engrossment, the ayes and noes were demanded by the requisite number, with the following result :

AYES—Messrs. Chase, Cheney, Johnson, Kane, Moreland, and Ryan—6.

NOES—Messrs. Anderson, Baker, Burt, Brown, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnston, Kelly, Lampson, Neumann, Nye, Pardee, Rowell, Sears, T aylor, Watson, West, and Zuck—26.

Refused engrossment.

Senate Bill No. 449 passed on file.

Mr. Johnston, by leave, introduced the following resolution :

Resolved, That the State Printer be and he is hereby requested to print five hundred additional copies of Assembly Bill No. 334 as amended in Assembly.

Adopted.

Leave of absence was granted Mr. Cheney for the rest of the evening.

Mr. Enos gave notice that, on to-morrow, he would call for a report from the Committee on Chinese and Chinese Immigration, in relation to Assembly Bill No. 184.

Also, a report in regard to Assembly Bill No. 19, from the Committee on Corporations.

Senate Bill No. 425 passed on file.

Senate Bill No. 377—An Act to amend section six hundred and sixteen of the Political Code, in relation to foreign insurance corporations.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate.

Upon the question of engrossment, the ayes and noes were demanded by Messrs. Johnson, Sears, and Enos, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, George, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and West—22.

NOES—Messrs. Enos, Johnson, Lampson, and Moreland—4.

Bill ordered engrossed.

Mr. Dickinson stated that he was paired with Mr. Brown, Mr. Dickinson voting "aye," and Mr. Brown "no."

At nine o'clock and twenty-five minutes P. M. Mr. Enos moved to adjourn.

Lost.

Mr. West moved that the rules be suspended, and that Senate Bill No. 378 be taken up out of order.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Neumann, with the following result:

AYES—Messrs. Burt, Davis, Dickinson, Harlan, Lampson, Langford, Moreland, Pardee, Ryan, Sears, and West—11.

NOES—Messrs. Anderson, Baker, Chase, Conger, Enos, George, Glascock, Hill, Hudson, Johnson, Kane, Kelly, Neumann, Nye, and Rowell—15.

Lost.

ADJOURNMENT.

At nine o'clock and thirty minutes P. M., on motion of Mr. Enos, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, April 3d, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Kell, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Rowell, Traylor, and Watson.

Quorum present.

The Journal of yesterday read and approved.

Leave of absence granted to Mr. Lampson.

PETITION.

By Mr. Chase—A petition from Mrs. Josephine Walcott and one hundred and eighteen others, asking for legislation such as will permit women to vote on all school questions.

Read, and referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES.

By Mr. Neumann:

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 540, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it pass as amended.

NEUMANN, Chairman.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, April 3d, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 9—An Act to limit and fix the rates and price of gas in all cities within the State of California having a population of one hundred thousand or more—have had the same under consideration, and the undersigned reports back and recommends the passage of the same.

ENOS, Chairman.

Mr. Neumann gave notice that, on Monday, he would call for a report from the Committee on Chinese and Chinese Immigration, in relation to Senate Bills Nos. 346 and 347.

By Mr. Johnson:

MR. PRESIDENT: The Committee on Chinese and Chinese Immigration, having had under consideration Assembly Bill No. 184—An Act to provide for the keeping of accounts in the English or some European language—report the same back, and recommend its passage.

JOHNSON, Chairman.

By Mr. Rowell:

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Assembly Bill No. 145, herewith report the same back to the Senate, and recommend its passage.

ROWELL, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, }
SACRAMENTO, April 2d, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 354—An Act to add a new section to the Political Code, to be known as section one thousand six hundred and eighteen, relating to salaries of school teachers in cities having one hundred thousand inhabitants or more.

GEO. C. PERKINS, Governor.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 2d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April second, eighteen hundred and eighty, passed Senate Bill No. 234—An Act to add a new section to the Penal Code, to be known as section one hundred and eleven, relating to costs in certain criminal actions.

Senate Bill No. 191—An Act to repeal an Act entitled "An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government," approved April first, eighteen hundred and seventy-eight.

J. M. WRIGHT, Assistant Clerk.

INTRODUCTION OF BILLS.

By Mr. Moreland: Senate Bill No. 558—An Act providing for the establishment of the State Normal School at Santa Rosa.

Read first time, and ordered on the general file for second reading.

By Mr. Enos: Senate Bill No. 559—An Act defining the power and duties of Boards of Supervisors, Councilmen, or Aldermen, of cities, or cities and counties.

Read first time, and ordered on the general file for second reading.

By Mr. Brown: Senate Bill No. 560—An Act to amend the Political Code, by adding a section thereto to be numbered four thousand one hundred and twenty-five.

Read first time, and referred to the Judiciary Committee.

By Mr. Nelson: Senate Bill No. 561—An Act to authorize the payment of claims heretofore contracted by Boards of Supervisors in counties or consolidated cities and counties of one hundred thousand inhabitants.

Read first time, and referred to the Committee on City and County Governments.

SECOND READING FILE.

Senate Bill No. 134 passed on file.

Senate Bill No. 343—An Act to provide for the permanent improvement of the State Capitol Park.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate.

Mr. Hittell moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Hittell, with the following result:

AYES—Messrs. Brown, Enos, Hittell, Moreland, and Satterwhite—5.

NOES—Messrs. Anderson, Burt, Baker, Carlock, Chase, Cheney, Davis, George, Glascock, German, Harlan, Hill, Johnson, Johnston, Kane, Lumpson, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—27.

Lost.

Mr. Conger announced that he was paired on the above bill with Mr. Pardee. Mr. Conger would vote aye, Mr. Pardee, no.

Bill ordered engrossed.

Leave of absence was granted to Mr. Cheney.

Mr. Satterwhite moved that his motion, made on yesterday, relating to the payment of certain amounts to Messrs. Traylor, Conger, and Nelson, be placed at the head of the third reading file.

So ordered.

Senate Bill No. 433—An Act relating to fishing in the waters of this State.

The question recurred upon the engrossment of the bill.

The ayes and noes were demanded by Messrs. Enos, Gorman, and Traylor, with the following result:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Nelson, Ryan, Sears, Watson, and West—20.

NOES—Messrs. Burt, Brown, Dickinson, Hill, Hittell, Lampson, Neumann, Nye, Pool, Rowell, Traylor, and Zuck—12.

Bill ordered engrossed.

Mr. Neumann, by leave, introduced Senate Bill No. 562—An Act to amend section six hundred and thirty-six of the Penal Code of the State of California, relative to fishing in the waters of this State.

Read first time, and referred to the Committee on Fish and Game.

Senate Bill No. 449 passed on file.

Senate Bill No. 411 withdrawn by the author.

Senate Bill No. 105 withdrawn by the author.

Leave of absence granted Mr. Neumann for fifteen minutes.

Senate Bill No. 425—An Act concerning roads and highways in the several counties of this State.

Mr. Hittell moved that the bill be passed on file.

So ordered.

Senate Bill No. 443—An Act to provide for the approval and allowance of the claim of D. B. Woolf, and to appropriate money for its payment.

On motion of Mr. Traylor, the bill was indefinitely postponed.

Senate Bill No. 407—An Act to empower the Board of State Harbor Commissioners to adjust, audit, and pay the claim of W. H. Martin & Co.

Bill read second time.

Substitute adopted, and ordered engrossed.

Senate Bill No. 100 withdrawn by the author.

Senate Bill No. 432 withdrawn by the author.

Senate Bill No. 349 passed on file.

Senate Bill No. 294—An Act to provide for the organization and regulation of paid fire departments in any cities, and in cities and counties, of over one hundred thousand inhabitants.

Mr. Dickinson moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Conger, Dickinson, and Nelson, with the following result:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Davis, Dickinson, George, Glascock, Harlan, Hill, Hittell, Johnston, Lampson, Moreland, Nye, Rowell, Sears, Traylor, Watson, and West—20.

NOES—Messrs. Brown, Conger, Gorman, Johnson, Kane, Kelly, Nelson, Pool, and Ryan—9.

Carried.

Assembly Bill No. 337—An Act to encourage the planting of jute.

Read second time, and ordered on the general file for third reading.

Assembly Bill No. 320—An Act for the better protection of fruit trees and vines.

Read second time.

Mr. Dickinson moved to indefinitely postpone the bill.

RECESS.

During the consideration of the motion, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m. .
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Leave of absence granted Messrs. Pardee and Langford until Monday, at two o'clock p. m.

Leave of absence granted Mr. Lampson.

The motion to reconsider, by Mr. Watson, the passage of Senate Bill No. 383, passed temporarily on file.

Mr. Sears' motion to reconsider the vote whereby Senate Bill No. 315 passed was now taken up.

Mr. Sears moved that the motion to reconsider be continued and made the special order for next Tuesday, at one o'clock and thirty minutes p. m.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Nelson, with the following result:

AYES—Messrs. Baker, Cheney, Dickinson, Hittell, Johnson, Neumann, Sears, and Traylor—8.
NOES—Messrs. Anderson, Burt, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Rowell, West, and Zuck—20.

Lost.

Mr. Sears moved that the motion to reconsider be continued and made the special order for next Monday, at one o'clock and thirty minutes p. m.

Upon which the ayes and noes were demanded by Messrs. Sears, Conger, and Gorman, with the following result:

AYES—Messrs. Baker, Cheney, Dickinson, Hittell, Johnson, Nelson, Neumann, Sears, Traylor, and Watson—10.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Moreland, Nye, Rowell, West, and Zuck—20.

Lost.

The question now recurring upon the motion to reconsider, the roll was called with the following result:

AYES—Messrs. Baker, Cheney, Dickinson, Hittell, Neumann, Sears, Traylor, and Watson—8.
NOES—Messrs. Anderson, Burt, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Kane, Kelly, Moreland, Nelson, Nye, Rowell, Ryan, West, and Zuck—22.

Senate refused to reconsider.

Pursuant to notice, given on yesterday, by Mr. Watson, of motion to reconsider the vote whereby Senate Bill No. 383 was passed, Mr. Enos now moved the reconsideration of the same.

Mr. Dickinson moved as an amendment that the motion to reconsider be continued and made the special order for three o'clock P. M. Monday next.

Mr. Johnson raised the point of order that Mr. Enos, not having given the notice to reconsider Senate Bill No. 383, was not entitled to move for a reconsideration of the same, and that the motion to reconsider belonged exclusively to Mr. Watson.

The Chair ruled that the motion of Mr. Enos was in order; that any member voting with the majority could move for a reconsideration.

Mr. Johnson appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—27.

NOES—Messrs. Anderson, Baker, Cheney, Hittell, and Zuck—5.

Decision of the Chair sustained.

The question now recurred upon the motion to postpone the reconsideration until Monday, at three o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Enos, Dickinson, and Gorman, with the following result:

AYES—Messrs. Baker, Burt, Cheney, Dickinson, George, Hittell, Johnson, Neumann, Sears, Watson, and Zuck—11.

NOES—Messrs. Anderson, Brown, Carlock, Chase, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Traylor, and West—23.

Lost.

Upon the question to reconsider, the ayes and noes were demanded by Messrs. Enos, West, and Watson, with the following result:

AYES—Messrs. Burt, Brown, Dickinson, Hill, Hittell, Sears, Watson, and Zuck—8.

NOES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Traylor, and West—25.

Senate refused to reconsider.

Leave of absence granted Messrs. Traylor and Enos until Monday noon.

Assembly Bill No. 210 passed on file.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, April 3d, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: No. 276—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

No. 244—An Act to amend section three thousand four hundred and sixty-six of the Political Code, in relation to the collection of delinquent charges and assessments in swamp land and reclamation districts made for reclamation purposes.

No. 401—An Act to add to part two, division second, of the Civil Code, a new title, to be known as title five, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred

and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining.

No. 332—An Act to provide for the construction, maintenance, and regulation of fish ways.

No. 334—An Act to amend section eight hundred and eleven of the Penal Code, concerning the jurisdiction of Magistrates.

No. 374—An Act to provide for the further extension of the water front line of the City and County of San Francisco, and the construction of the sea-wall.

No. 416—An Act to amend section number one thousand three hundred and thirteen of the Civil Code, concerning devises to charitable uses.

No. 429—An Act to amend sections seven hundred and fifty-seven and seven hundred and fifty-eight of the Code of Civil Procedure.

No. 183—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one, of the Political Code, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six, of said Code, providing for a duplicate assessment book.

No. 87—An Act designating the places in which polls shall be located.

No. 316—An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities, now in the State Treasurer's office, and not otherwise appropriated.

No. 555—An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

CHENEY, Chairman.

SECOND READING FILE—RESUMED.

Assembly Bill No. 320 resumed.

The Senate considered as in Committee of the Whole.

Amendments adopted in Senate.

Upon the motion of Mr. Dickinson to indefinitely postpone, the ayes and noes were demanded by Messrs. Burt, Hill, and Dickinson, with the following result:

AYES—Messrs. Burt, Davis, Dickinson, Harlan, Hill, Hittell, Kane, and Sears—8.

NOES—Messrs. Anderson, Brown, Chase, Cheney, Conger, George, Glasecock, Johnson, Johnston, Lampson, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Watson, West, and Zuck—19.

Lost.

Bill ordered on file for third reading.

Senate Bill No. 284—An Act to amend an Act entitled an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons.

Read second time.

Senate considered as in Committee of the Whole, and bill, as amended, ordered engrossed.

Mr. Johnson moved that Assembly messages be taken up.

Carried.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 3d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April second, eighteen hundred and eighty, passed Assembly Bill No. 557—An Act to provide an additional Judge of the Superior Court for the County of Mono.

Also, Assembly Bill No. 402—An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Merced, San Bernardino, and Santa Cruz," approved February thirteenth, eighteen hundred and seventy-two.

And adopted Senate Concurrent Resolution No. 14—Relative to modification of Burlingame Treaty.

Also, Assembly Joint Resolution No. 4—Relative to the construction of a canal across the Isthmus of Darien.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 557, above reported, read first time, and referred to the Judiciary Committee with instructions to report the same back on Monday morning.

Assembly Bill No. 402, above reported, read first time, and ordered at the foot of the second reading file.

Assembly Joint Resolution No. 4, above reported, read first time, and referred to the Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, April 3d, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April second, eighteen hundred and eighty, passed Assembly Bill No. 472—An Act to encourage the mining industry and to suppress stock gambling.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 472, above reported, read first time.

Mr. Sears moved that the bill be referred to the Committee on Corporations.

Upon which the ayes and noes were demanded by Messrs. Johnson, Sears, and Zuck, with the following result:

AYES—Messrs. Burt, Brown, Davis, Dickinson, George, Hittell, Johnson, Nye, Rowell, Sears, and Watson—11.

NOES—Messrs. Anderson, Conger, Glasecock, Gorman, Harlan, Hill, Johnston, Kane, Lampson, Moreland, Nelson, Ryan, and Zuck—13.

Lost.

Referred to the Committee on Mines and Mining.

Mr. Conger moved that the above committee be instructed to report the bill back on Tuesday morning.

Carried.

Senate Bill No. 404—An Act to add a new section to the Political Code, to be known as section two thousand seven hundred and fifteen, relating to public highways.

Mr. Brown moved that the bill be passed on file.

At four o'clock and twenty-five minutes P. M. Mr. Dickinson moved that the Senate take a recess until seven o'clock and thirty minutes P. M.

Lost.

The question recurred upon the motion to pass the bill on the file.

Lost.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Mr. Sears moved that the rules be suspended, and that Senate Bill No. 266 be taken up out of order.

Upon which the ayes and noes were demanded by the requisite number, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Conger, Davis, Dickinson, George, Harlan, Hill, Hittell, Johnson, Moreland, Nelson, Sears, Watson, West, and Zuck—17.

NOES—Messrs. Brown, Glasecock, Gorman, Johnston, Kane, Kelly, Nye, Rowell, and Ryan—9.

Lost.

RECESS.

At four o'clock and thirty-eight minutes p. m., on motion of Mr. Dickinson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes p. m. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck.

Quorum present.

SECOND READING FILE—RESUMED.

Senate Bill No. 384—An Act to establish free public libraries and reading-rooms.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bills Nos. 91 and 187 passed on file.

Senate Bill No. 42 indefinitely postponed.

Senate Bill No. 102 indefinitely postponed.

Senate Bill No. 214 indefinitely postponed.

Mr. Dickinson moved that Assembly Bills Nos. 99 and 100 be passed on file.

Carried.

Senate Bill No. 373 passed on file.

Senate Bill No. 378—An Act to amend section four hundred and fifty, and to repeal sections four hundred and fifty-one and four hundred and fifty-two of the Civil Code of California, relating to life insurance.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate.

Mr. Brown moved to pass on file until Monday evening.

Lost.

Bill, as amended, ordered engrossed.

Senate Bill No. 97—An Act to amend section four thousand two hundred and twenty-one of the Political Code, relating to the counting of money in the county treasury.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 497—An Act to amend section four thousand and seventy-two of the Political Code, relating to the presentation of claims against counties.

Read second time, and ordered engrossed.

Leave of absence granted Mr. Cheney for the balance of the evening.

Senate Bill No. 493—An Act to amend section four thousand and seventy of the Political Code, forbidding Supervisors to allow claims or contract debts in certain cases.

Read second time, and ordered engrossed.

Assembly Bill No. 384—An Act to amend an Act entitled "An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, in the State of California," approved January ninth, eighteen hundred and seventy-four.

Mr. Davis moved that the bill be passed until Monday.

Lost.

Ordered on file for third reading.

Mr. Burt raised the point of order that the bill had not been read the second time.

Mr. Sears moved to reconsider the vote whereby the bill was ordered to third reading, that it might be read second time at length.

Carried.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 143—An Act to amend an Act entitled "An Act relating to apprentices and masters," approved April third, eighteen hundred and seventy-six.

Read second time.

Mr. Conger moved to strike out the enacting clause.

Lost.

Bill ordered on file for third reading.

Senate Bill No. 266—An Act to amend section six hundred and eleven of the Civil Code, relating to cemetery corporations.

Read second time, and ordered engrossed.

Mr. Johnson gave notice that, on Monday, April fifth, eighteen hundred and eighty, he would call for a report from the Committee on Mines and Mining upon Assembly Bill No. 248—An Act amendatory and supplemental to an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Also, gave notice that, on Monday, April fifth, eighteen hundred and eighty, he would call for a report from the Committee on Judiciary upon Assembly Bill No. 249—An Act amendatory of an Act entitled an Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining, approved March thirtieth, eighteen hundred and seventy-four.

Mr. Zuck, by permission, introduced the following report:

MR. PRESIDENT: The Committee on Labor and Capital, to whom was referred Senate Bill No. 521—An Act to provide for the establishment of institutions for the employment of the needy—report the same back, and recommend its passage.

Also, Senate Bill No. 301—An Act relating to intelligence offices—report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 342—An Act to amend section ten thousand one hundred and fourteen of the Code of Civil Procedure—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 83—An Act to create a Bureau of Labor and Statistics of Land and Labor in the State of California—report the same back without recommendation.

ZUCK, Chairman.

By Mr. Carlock (by leave):

SENATE CHAMBER, April 3d, 1880.

MR. PRESIDENT: Your Committee on Fisheries and Game, to whom was referred Senate Bill No. 345, entitled an Act to amend section six hundred and thirty-six of the Penal Code—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 362, entitled an Act to amend section six hundred and thirty-six (326) of the Penal Code of the State of California, relative to fishing in the waters of this State—have had the same under consideration, and report it back, and recommend that it be indefinitely postponed, for the reason that Senate Bill No. 345, reported herewith, relates to the same subject, and has already been amended by the committee so that it is identical with this bill in language and effect.

CARLOCK, Chairman.

REPORT FROM THE COMMITTEE ON ENGROSSMENT.

By Mr. Glascock:

SENATE CHAMBER, April 3d, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz: Senate Bill No. 393—An Act to authorize D. M. Kenfield to sue the State of California.

Senate Bill No. 377—An Act to amend section six hundred and sixteen of the Political Code, in relation to foreign insurance corporations.

GLASCOCK, for the Chairman.

Mr. Conger gave notice that on Monday he would call for a report from the Committee on Mines and Mining, in relation to Senate Bill No. 320, introduced by him February twelfth, eighteen hundred and eighty.

Senate Bill No. 427—An Act to authorize Boards of Supervisors to pay the expenses of posse comitatus in criminal cases.

Read second time, and ordered engrossed.

Assembly Bill No. 377—An Act to empower the Directors of Levee District Number One, of Sutter County, to issue bonds for the payment or funding of the unfunded indebtedness of said levee district, and to provide for the redemption of such bonds by taxing the property in the district.

Read second time, and ordered on the general file.

Senate Bill No. 440 passed on file.

Senate Bill No. 445—An Act to add a new section to the Political Code, to be known as section three thousand four hundred and ninety-two, relating to individual reclamation of swamp lands in certain cases.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 472—An Act to amend section three thousand four hundred and forty-six of the Political Code.

Read second time, and ordered engrossed.

Senate Bill No. 66—An Act concerning the Board of State Harbor Commissioners.

Withdrawn by the author.

Senate Bill No. 166—An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Read second time.

Mr. Dickinson moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Kane, Gorman, and Nelson, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Dickinson, George, Hittell, Johnson, Nye, Rowell, and Zuck—11.

NOES—Messrs. Anderson, Conger, Davis, Glascock, Gorman, Johnston, Kane, Kelly, Moreland, Nelson, Pool, Ryan, Sears, Watson, and West—15.

Lost.

Bill ordered engrossed.

Senate Bills Nos. 446 and 457 passed on file.

Senate Bill No. 470 withdrawn by the author.

Senate Bill No. 452 passed on file.

Senate Bill No. 453 withdrawn by the author.

Senate Bill No. 454—An Act to provide for a Commission to inquire as to the need of a State school for weak-minded children.

Read second time, and passed on file.

Senate Bills Nos. 479, 123, and 499, passed on file.

Assembly Joint Resolution No. 10—Relative to the enforcement of the United States statute making eight hours the length of a day's labor on public works.

Read second time, and ordered on the general file for third reading.

Assembly Joint Resolution No. 7—Relative to the procuring of a quarantine depot.

Read second time, and ordered on the general file for third reading.

Assembly Concurrent Resolution No. 17—Relative to the establishment of first order light and a steam fog signal at Point St. George, on the northern coast of California.

Read second time, and ordered on the general file for third reading.

Assembly Joint Resolution No. 15 and Senate Concurrent Resolution No. 19 passed on the file.

Senate Concurrent Resolution No. 21—Relative to United States money and National Banks.

Read second time, and ordered engrossed.

Senate Joint Resolution No. 5—Relative to procuring the removal by Congress of the duty on printing paper and on materials used in the manufacture of the same.

Read second time, and ordered engrossed.

Senate Concurrent Resolution No. 26—Relative to pensions to Mexican war veterans.

Read second time, and ordered engrossed.

Senate Joint Resolution No. 6—Relative to memorializing Congress to grant certain funds to the State of California.

Read second time, and ordered engrossed.

ADJOURNMENT.

At nine o'clock and fifty minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, April 3d, 1886.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-two, eight hundred, eight hundred and one, eight hundred and two, eight hundred and six, eight hundred and eighty-eight, nine hundred and forty-nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, nine hundred and fifty-five, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and fifty-nine, nine hundred and sixty, nine hundred and sixty-one, nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, nine hundred and sixty-eight, nine hundred and seventy, nine hundred and seventy-one, nine hundred and seventy-two, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and eighty-one, nine hundred and eighty-two, nine hundred and eighty-five, nine hundred and eighty-eight, nine hundred and eighty-nine, nine hundred and ninety, nine hundred and ninety-six, nine hundred and ninety-seven, nine hundred and ninety-eight, nine hundred and ninety-nine, one thousand and four, one thousand and five, one thousand and eight, one thousand and nine, one thousand and twelve, one thousand and eighteen, one thousand and nineteen, one thousand and twenty-one, one thousand and twenty-two, one thousand and twenty-four, one thousand and thirty-three, one thousand and forty-three, one thousand and forty-seven, one thousand and forty-eight, one thousand and fifty-two, one thousand and sixty-five, one thousand and seventy-four, one thousand and ninety-three, one thousand and ninety-five, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand one hundred and three, one thousand one hundred and four, one thousand one hundred and thirteen, one thousand one hundred and fourteen, one thousand one hundred and fifteen, one thousand one hundred and seventeen, one thousand one hundred and twenty-one, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, one thousand one hundred and thirty-one, one thousand one hundred and forty-one, one thousand one hundred and forty-eight, one thousand one hundred and fifty, one thousand one hundred and fifty-eight, one thousand one hundred and fifty-nine, one thousand one hundred and sixty, one thousand one hundred and sixty-five, one thousand one hundred and seventy, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand two hundred, one thousand two hundred and seven, one thousand two hundred and thirty-eight, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-nine, one thousand three hundred and ten, one thousand three hundred and twenty-six, one thousand three hundred and thirty-five, one thousand three hundred and forty-six, one thousand three hundred and forty-nine, one thousand three hundred and fifty-four, one thousand three hundred and fifty-eight, one thousand three hundred and sixty-eight, one thousand three hundred and seventy, one thousand three hundred and seventy-three, one thousand three hundred and eighty-two, one thousand three hundred and eighty-three, one thousand three hundred and ninety-five, one thousand three hundred and ninety-six, one thousand four hundred and one, one thousand four hundred and twenty-nine, and to repeal sections nine hundred and sixty-nine and one thousand and twenty-five of the Penal Code, and to add a new section thereto, to be known as section eight hundred and nine, to provide for prosecutions by information, and to adapt the provisions of said Code thereto—have had the same under consideration, and report the same back, and recommend that the Senate concur in the Assembly amendments thereto.

NYE, Chairman.

Also:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 174—An Act to amend sections one thousand two hundred and eighty-five, one thousand two hundred and ninety-eight, one thousand three hundred and three, one thousand three hundred and five, one thousand three hundred and thirteen, one thousand three hundred and seventeen, one thousand three hundred and twenty-two, one thousand three hundred and thirty-eight, one thousand three hundred and forty, one thousand three hundred and forty-five, one thousand three hundred and sixty, one thousand three hundred and sixty-one, one thousand three hundred and sixty-two, one thousand three hundred and seventy-two, one thousand three hundred and seventy-three, one thousand three hundred and eighty-three, one thousand three hundred and eighty-eight, one thousand three hundred and eighty-nine, one thousand three hundred and ninety-one, one thousand three hundred and ninety-three, one thousand three hundred and ninety-four, one thousand three hundred and ninety-seven, one thousand three hundred and ninety-eight, one thousand four hundred and two, one thousand four hundred and three, one thousand four hundred and six, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and twenty-six, one thousand four hundred and twenty-seven, one thousand four hundred and thirty, one thousand four hundred and thirty-one, one thousand four hundred and thirty-two, one thousand four hundred and thirty-three, one thousand four hundred and thirty-six, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thou-

sand four hundred and fifty-two, one thousand four hundred and fifty-three, one thousand four hundred and fifty-nine, one thousand four hundred and sixty, one thousand four hundred and sixty-one, one thousand four hundred and sixty-four, one thousand four hundred and sixty-five, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand four hundred and seventy, one thousand four hundred and seventy-four, one thousand four hundred and seventy-five, one thousand four hundred and eighty-five, one thousand four hundred and ninety-three, one thousand four hundred and ninety-four, one thousand four hundred and ninety-five, one thousand four hundred and ninety-six, one thousand four hundred and ninety-seven, one thousand four hundred and ninety-eight, one thousand four hundred and ninety-nine, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and seven, one thousand five hundred and ten, one thousand five hundred and twelve, one thousand five hundred and seventeen, one thousand five hundred and nineteen, one thousand five hundred and twenty-three, one thousand five hundred and twenty-six, one thousand five hundred and twenty-nine, one thousand five hundred and thirty, one thousand five hundred and thirty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-six, one thousand five hundred and thirty-seven, one thousand five hundred and forty, one thousand five hundred and forty-one, one thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-five, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-six, one thousand five hundred and sixty-nine, one thousand five hundred and seventy, one thousand five hundred and seventy-five, one thousand five hundred and eighty-five, one thousand five hundred and eighty-eight, one thousand five hundred and ninety, one thousand five hundred and ninety-one, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred and two, one thousand six hundred and three, one thousand six hundred and four, one thousand six hundred and sixteen, one thousand six hundred and eighteen, one thousand six hundred and twenty-two, one thousand six hundred and twenty-three, one thousand six hundred and twenty-four, one thousand six hundred and twenty-five, one thousand six hundred and twenty-nine, one thousand six hundred and thirty-two, one thousand six hundred and thirty-three, one thousand six hundred and forty, one thousand six hundred and forty-nine, one thousand six hundred and sixty-one, one thousand six hundred and sixty-seven, one thousand six hundred and sixty-nine, one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and seventy-seven, one thousand six hundred and eighty, one thousand six hundred and eighty-four, one thousand six hundred and eighty-five, one thousand six hundred and eighty-six, one thousand six hundred and ninety-two, one thousand six hundred and ninety-three, one thousand six hundred and ninety-four, one thousand six hundred and ninety-six, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, one thousand seven hundred and sixteen, one thousand seven hundred and eighteen, one thousand seven hundred and twenty, one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty, one thousand seven hundred and thirty-three, one thousand seven hundred and thirty-four, one thousand seven hundred and thirty-five, one thousand seven hundred and thirty-six, one thousand seven hundred and thirty-seven, and one thousand seven hundred and forty, of the Code of Civil Procedure, relating to the settlement of estates of deceased persons, have had the same under consideration, and report the same back, and recommend that the Senate concur in all the Assembly amendments, except amendments two and ten, and that the amendments named be not concurred in.

NYE, Chairman.

Also, verbally reported progress in relation to Assembly Bill No. 557, and Assembly Concurrent Resolution No. 21, and asked further time for consideration of the same.

So ordered.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, April 5th, 1880.

MR. PRESIDENT: The undersigned respectfully dissents from the report of the majority of your Committee on Judiciary, in their recommendation that the Senate concur in the amendments made by the Assembly to Senate Bill No. 39, by which it is sought to repeal sections nine hundred and sixty-nine and one thousand and twenty-five of the Penal Code.

The sections of the Code sought to be repealed by the amendments provide a heavier punishment for a second than for a first offense, a provision that in the opinion of the undersigned ought not to be disturbed.

THEODORE H. HITTELL.

Mr. Johnson moved that Senate Bills Nos. 174 and 39, reported by the Committee on Judiciary, be taken up for consideration.

Carried.

Senate Bill No. 174—An Act to amend sections one thousand two hundred and ninety-five, one thousand two hundred and ninety-eight, one thousand three hundred and three, one thousand three hundred and five, one thousand three hundred and thirteen, one thousand three hundred and seventeen, one thousand three hundred and twenty-two, one thousand three hundred and thirty-eight, one thousand three hundred and forty, one thousand three hundred and forty-five, one thousand three hundred and sixty, one thousand three hundred and sixty-one, one thousand three hundred and sixty-two, one thousand three hundred and seventy-two, one thousand three hundred and seventy-three, one thousand three hundred and eighty-three, one thousand three hundred and eighty-eight, one thousand three hundred and eighty-nine, one thousand three hundred and ninety-one, one thousand three hundred and ninety-three, one thousand three hundred and ninety-four, one thousand three hundred and ninety-seven, one thousand three hundred and ninety-eight, one thousand four hundred and two, one thousand four hundred and three, one thousand four hundred and six, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and twenty-six, one thousand four hundred and twenty-seven, one thousand four hundred and thirty, one thousand four hundred and thirty-one, one thousand four hundred and thirty-two, one thousand four hundred and thirty-three, one thousand four hundred and thirty-six, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thousand four hundred and fifty-two, one thousand four hundred and fifty-three, one thousand four hundred and fifty-nine, one thousand four hundred and sixty, one thousand four hundred and sixty-one, one thousand four hundred and sixty-four, one thousand four hundred and sixty-five, one thousand four hundred and sixty-six, one thousand four hundred and sixty-seven, one thousand four hundred and seventy, one thousand four hundred and seventy-four, one thousand four hundred and seventy-five, one thousand four hundred and eighty-five, one thousand four hundred and ninety-three, one thousand four hundred and ninety-four, one thousand four hundred and ninety-five, one thousand four hundred and ninety-six, one thousand four hundred and ninety-seven, one thousand four hundred and ninety-eight, one thousand four hundred and ninety-nine, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and seven, one thousand five hundred and ten, one thousand five hundred and twelve, one thousand five hundred and seventeen, one thousand five hundred and nineteen, one thousand five hundred and twenty-three, one thousand five hundred and twenty-six, one thousand five hundred and twenty-nine, one thousand five hundred and thirty, one thousand five hundred and thirty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-six, one thousand five hundred and thirty-seven, one thousand five hundred and forty, one thousand five hundred and forty-one, one thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-five, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-six, one thousand five hundred

and sixty-nine, one thousand five hundred and seventy, one thousand five hundred and seventy-five, one thousand five hundred and eighty-five, one thousand five hundred and eighty-eight, one thousand five hundred and ninety, one thousand five hundred and ninety-one, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred and two, one thousand six hundred and three, one thousand six hundred and four, one thousand six hundred and sixteen, one thousand six hundred and eighteen, one thousand six hundred and twenty-two, one thousand six hundred and twenty-three, one thousand six hundred and twenty-four, one thousand six hundred and twenty-five, one thousand six hundred and twenty-nine, one thousand six hundred and thirty-two, one thousand six hundred and thirty-three, one thousand six hundred and forty, one thousand six hundred and forty-nine, one thousand six hundred and sixty-one, one thousand six hundred and sixty-seven, one thousand six hundred and sixty-nine, one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and seventy-seven, one thousand six hundred and eighty, one thousand six hundred and eighty-four, one thousand six hundred and eighty-five, one thousand six hundred and eighty-six, one thousand six hundred and ninety-two, one thousand six hundred and ninety-three, one thousand six hundred and ninety-four, one thousand six hundred and ninety-six, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, one thousand seven hundred and sixteen, one thousand seven hundred and eighteen, one thousand seven hundred and twenty, one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty, one thousand seven hundred and thirty-three, one thousand seven hundred and thirty-four, one thousand seven hundred and thirty-five, one thousand seven hundred and thirty-seven, and one thousand seven hundred and forty, of the Code of Civil Procedure, relating to the settlement of estates of deceased persons.

Amendments to sections two and seventy-eight not concurred in.

Amendments to title, sections forty-one, forty-seven, forty-nine, fifty-one, fifty-two, sixty-four, seventy-nine, and one hundred and three, concurred in by the following vote:

AYES—MESSRS. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, German, Harlan, Hill, Hittell, Johnson, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Watson, and Zuck—29.

NOES—None.

Consideration of amendments to Senate Bill No. 39 passed temporarily, on motion of Mr. Hittell.

By Mr. Burt:

SENATE CHAMBER, April 5th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bill No. 399, and that the same has this day been placed in the hands of the Governor, at ten o'clock and ten minutes A. M.

BURT, for the Committee.

RESOLUTION.

By Mr. Hittell (by leave):

Resolved, That the Secretary be and he is hereby instructed to have one thousand extra copies of Senate Bill No. 118, as passed, and approved by the Governor, printed for distribution.

Adopted.

Assembly Bill No. 334 ordered at the head of the second reading file for to-morrow.

GENERAL FILE.

Senate Bills Nos. 134, 154, 449, 425, 91, and 187, passed on file.

Senate Bill No. 349 withdrawn by the author.

Assembly Bills Nos. 99 and 100 passed on file.

Senate Bill No. 373—An Act to amend sections three hundred and twenty-four, three thousand and eighty-seven, three thousand and ninety-one, three thousand and ninety-three, and three thousand and ninety-five, of the Civil Code of the State of California.

Read second time, and passed on file.

Senate Bill No. 174, on motion of Mr. Hittell, ordered immediately transmitted to the Assembly.

Senate Bills Nos. 440, 446, and 457, withdrawn by the authors.

Senate Bill No. 452 passed on file.

Senate Bill No. 454—An Act to provide for a Commission to inquire as to the need of a State school for weak-minded children.

Ordered engrossed.

Senate Bill No. 479 passed on file.

Senate Bill No. 499—An Act to amend section one thousand two hundred and fifty-seven of the Political Code, relating to elections.

Read second time.

Senate considered as in Committee of the Whole.

Mr. Nye moved to indefinitely postpone the bill.

Carried.

Senate Bill No. 123—An Act to amend section one thousand two hundred and eighty-one of the Political Code.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Assembly Joint Resolution No. 15—Relative to extending the thanks of the State to J. W. Mackey.

Read second time, and ordered on file for third reading.

Senate Concurrent Resolution No. 19—Relative to establishing closer commercial intercourse, by treaties, with Mexico, Guatemala, Costa Rica, San Salvador, Honduras, and Nicaragua.

Read second time, and ordered engrossed.

Assembly Bill No. 230—An Act for the further protection of stockholders in mining companies.

Read second time, and ordered on file for third reading.

Senate Bill No. 243—An Act to amend sections three thousand four hundred and ninety-five and three thousand four hundred and ninety-eight of the Political Code, relating to affidavits of applicants to purchase portions of sixteenth and thirty-sixth sections.

Read second time, and ordered engrossed.

Assembly Bill No. 199—An Act to amend section three thousand four hundred and ninety-five of the Political Code, relating to reservation of public lands for Indians.

Read second time, and ordered on file for third reading.

Assembly Bill No. 64—An Act to amend sections three thousand four hundred and forty and three thousand four hundred and ninety-four of the Political Code, relating to interest on deferred payments on State land.

Read second time, and ordered on file for third reading.

Senate Bill No. 387—An Act to amend section three hundred and ninety-seven of the Penal Code, relating to the sale of intoxicating liquors to drunkards or Indians, and to repeal an Act entitled "An Act to prevent the sale of intoxicating liquors to minors," approved March fourth, eighteen hundred and seventy-two.

Read second time, and ordered engrossed.

Assembly Bill No. 163—An Act to add a new section to the Penal Code of the State of California, to be known as section three hundred and eight, relative to the sale of intoxicating liquors at retail.

Read second time.

Mr. Brown moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Brown, Conger, and Dickinson, with the following result:

AYES—Messrs. Brown, Conger, Dickinson, Gorman, Hittell, Kane, Kelly, Lampson, Neumann, Pool, and Ryan—11.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Davis, George, Glascock, Harlan, Hill, Johnson, Moreland, Nye, Rowell, Satterwhite, Sears, and Zuck—16.

Lost.

Bill passed temporarily.

Senate Bill No. 500—An Act to provide for the future management of the Insane Asylums of the State.

Read second time.

Substitute adopted.

Upon the question of engrossment the ayes and noes were demanded by Messrs. Moreland, Johnson, and Conger, with the following result:

AYES—Messrs. Baker, Burt, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Johnson, Johnston, Lampson, Neumann, Nye, Pool, Rowell, Sears, Watson, and Zuck—20.

NOES—Messrs. Anderson, Glascock, Gorman, Harlan, Kane, Kelly, Moreland, and Satterwhite—8.

Bill ordered engrossed.

Senate Bill No. 482—An Act for the better preservation of fish, by providing and maintaining fish screens at the heads of mining and irrigating ditches.

Read second time, and ordered engrossed.

Senate Bill No. 483—An Act to amend section six hundred and twenty-eight of the Penal Code, relative to the destruction of deer, antelope, elk, and other animals.

Read second time, and ordered engrossed.

Consideration of Assembly Bill No. 163 resumed.

Mr. Neumann moved to amend by striking out all after the word "misdemeanor," line eight, section one.

Adopted.

Mr. West moved a reconsideration of the vote by which said amendment was adopted.

Upon which the ayes and noes were demanded by Messrs. West, Burt, and Neumann, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Cheney, George, Harlan, Hill, Johnson, Johnston, Kelly, Moreland, Nye, Rowell, West, and Zuck—15.

NOES—Messrs. Baker, Brown, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Hittell, Kane, Lampson, Nelson, Neumann, Pool, Ryan, Sears, Traylor, and Watson—18.

Senate refused to reconsider.

Mr. Johnson moved to amend by inserting after the word "spirituous," in line seven, of section one, printed bill, the words "or engaged in the sale of cigars or tobacco at retail."

Upon which the ayes and noes were demanded by Messrs. Davis, Burt, and Johnston, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Conger, George, Hill, Johnson, Johnston, Moreland, Neumann, Nye, Rowell, West, and Zuck—16.

NOES—Messrs. Brown, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Kane, Kelly, Lampson, Nelson, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—17.

Lost.

Mr. Dickinson moved to indefinitely postpone the bill.

Mr. Johnson moved to amend by inserting after the word "place," section one, the words "or for the sale at retail of cigars and tobacco."

Mr. Dickinson moved to postpone the bill until the tenth day of April.

Upon which the ayes and noes were demanded by Messrs. Johnson, Burt, and Johnston, with the following result:

AYES—Messrs. Brown, Conger, Davis, Dickinson, Hittell, Kane, Kelly, Lampson, Nelson, Pool, Ryan, and Traylor—12.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Moreland, Neumann, Nye, Rowell, Watson, and Zuck—19.

Lost.

The question recurring upon the adoption of Mr. Johnson's amendment, the ayes and noes were demanded by Messrs. Johnson, Burt, and Davis, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Davis, George, Harlan, Hill, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Nye, Rowell, and Zuck—18.

NOES—Messrs. Brown, Conger, Dickinson, Enos, Glascock, Gorman, Hittell, Kane, Kelly, Pool, Ryan, Sears, Traylor, and Watson—14.

Amendment adopted.

Mr. Dickinson moved to amend by striking out the word "owner," in section one.

Upon which the ayes and noes were demanded by Messrs. Johnson, Burt, and Watson, with the following vote:

AYES—Messrs. Baker, Conger, Dickinson, Glascock, Hittell, Kane, Kelly, Nelson, Neumann, and Ryan—10.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Cheney, Davis, George, Gorman, Harlan, Hill, Johnson, Johnston, Lampson, Moreland, Nye, Pool, Rowell, Traylor, Watson, West, and Zuck—21.

Lost.

The question recurring upon the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Johnson, Burt, and Enos, with the following result:

AYES—Messrs. Brown, Conger, Dickinson, Enos, Gorman, Hittell, Kane, Kelly, Nelson, Pool, Ryan, and Traylor—12.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Cheney, Davis, George, Glascock, Harlan, Hill, Johnson, Johnston, Lampson, Moreland, Neumann, Nye, Rowell, Sears, Watson, West, and Zuck—21.

Lost.

Upon the question, "Shall the bill be read a third time?" the ayes and noes were demanded by Messrs. Sears, Burt, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Cheney, Davis, George, Harlan, Hill, Johnson, Johnston, Lampson, Moreland, Neumann, Nye, Rowell, Sears, Watson, West, and Zuck—19.

NOES—Messrs. Brown, Conger, Dickinson, Enos, Gorman, Hittell, Kane, Kelly, Nelson, Pool, Ryan, and Traylor—12.

Carried, and bill ordered on file for third reading.

By Mr. Neumann (by leave):

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 248, have had the same under consideration, and report it back, with recommendation that it be passed.

NEUMANN, Chairman.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

THIRD READING FILE.

Motion of Mr. Satterwhite to consider the payment of the contest election claims.

Passed on file.

Assembly Bill No. 210—An Act to amend sections eight hundred and twenty-five and eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Davis, Dickinson, George, Harlan, Hill, Hittell, Johnson, Langford, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—22.

NOES—Messrs. Burt, Conger, Enos, Kane, Kelly, Moreland, and Nelson—7.

Title read and approved.

Mr. Ryan moved that the motion of Mr. Satterwhite to consider the payment of the contested election claims be taken up for consideration.

Carried.

Report of committee hereinbefore made:

MR. PRESIDENT: The undersigned, a majority of the Committee on Elections, have had the claims for election expenses of certain contestants under consideration, and would report that

they find that the following named persons are entitled to the amounts set opposite their respective names:

W. W. Traylor	\$500 00
C. C. Conger	675 00
T. K. Nelson	350 00

JOHN W. SATTERWHITE,
GROVE L. JOHNSON,
PIERCE H. RYAN,
WM. L. ANDERSON.

RESOLUTIONS.

Resolved, That W. W. Traylor be allowed and paid out of the Contingent Fund of the Senate the sum of five hundred dollars as and for his expenses and cost in the contested election case of Pindar *vs.* Traylor.

Adopted.

Resolved, That C. C. Conger, Senator from the Ninth Senatorial District, be and he is hereby allowed the sum of six hundred and seventy five dollars in payment of the expenses incurred by him in the contested election case of Conroy *vs.* Conger, payable out of the appropriation for the contingent expenses of the Senate; and the Controller is hereby authorized and required to draw his warrant on said appropriation therefor, and the Treasurer is required to pay the same.

Mr. Sears moved as an amendment that the above amount be made five hundred dollars instead of six hundred and seventy-five dollars.

Lost.

Mr. Sears moved to reconsider the vote whereby the amendment to the resolution was lost.

Upon which the ayes and noes were demanded by Messrs. Sears, Nelson, and Gorman, with the following result:

AYES—Messrs. Burt, Brown, Cheney, Hill, Hittell, Hudson, Kelly, Lampson, Nye, Rowell, Sears, and Zuck—12.

NOES—Messrs. Anderson, Carlock, Chase, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Johnson, Kane, Moreland, Nelson, Neumann, Pool, Ryan, Satterwhite, Traylor, Watson, and West—21.

The Senate refused to reconsider.

The question recurring upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Nye, Sears, and Gorman, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Neumann, Pool, Ryan, Satterwhite, Traylor, Watson, and West—26.

NOES—Messrs. Brown, Hittell, Moreland, Nye, Rowell, Sears, and Zuck—7.

Resolution adopted.

Resolved, That Senator T. K. Nelson be and he is hereby allowed the sum of three hundred and fifty dollars for expenses incurred by him in the matter of the election contest of Harrington *vs.* Nelson, said sum being payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

Assembly Bill No. 320—An Act for the better protection of fruit trees and vines.

Read third time.

Upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Chase, Conger, Glascock, Johnson, Johnston, Langford, Moreland, Neumann, Nye, Satterwhite, Sears, Traylor, Watson, and West—17.

NOES—Messrs. Bart, Cheney, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Lampson, Pardee, Pool, Rowell, and Ryan—16.

The bill not having received the constitutional majority required, was declared lost.

Mr. Rowell gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate refused to pass Assembly Bill No. 320.

Senate Bill No. 526—An Act to pay the Society of California Pioneers rent for rooms for the Hastings College of the Law.

Read third time.

Upon the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Anderson, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hudson, Johnson, Kane, Kelly, Neumann, Pool, Ryan, Satterwhite, Sears, Watson, and West—19.

NOES—Messrs. Baker, Bart, Brown, Chase, Gorman, Hill, Hittell, Lampson, Langford, Moreland, Nye, Pardee, Rowell, Traylor, and Zuck—15.

The bill not having received the constitutional majority required was declared lost.

Mr. Hittell gave notice that, on to-morrow, he would move to reconsider the vote whereby the Senate refused to pass Senate Bill No. 526.

SECOND READING OF BILLS.

On motion of Mr. Moreland, Senate Bill No. 538—An Act to amend section four hundred and fifty-six of the Civil Code, relating to the debts of railroad corporations, and securities therefor, and sales of the property of said corporations—was taken up out of order.

President pro tem. Baker in the chair.

Bill read second time, and ordered engrossed.

On motion of Mr. Hittell, Senate Bill No. 39 was taken up for consideration of Assembly amendments.

Senate Bill No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-two, eight hundred, eight hundred and one, eight hundred and two, eight hundred and six, eight hundred and eighty-eight, nine hundred and forty-nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, nine hundred and fifty-five, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and fifty-nine, nine hundred and sixty, nine hundred and sixty-one, nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, nine hundred and sixty-eight, nine hundred and sixty-nine, nine hundred and seventy, nine hundred and seventy-one, nine hundred and seventy-two, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and eighty-one, nine hundred and eighty-two, nine hundred and eighty-five, nine hundred and eighty-eight, nine hundred and eighty-nine, nine hundred and ninety, nine hundred and ninety-five, nine hundred and ninety-six, nine hundred and ninety-seven, nine hundred and ninety-eight, nine hundred and ninety-nine, one thousand and four, one thousand and five,

one thousand and eight, one thousand and nine, one thousand and twelve, one thousand and sixteen, one thousand and seventeen, one thousand and eighteen, one thousand and nineteen, one thousand and twenty-one, one thousand and twenty-two, one thousand and twenty-three, one thousand and twenty-four, one thousand and twenty-five, one thousand and thirty-three, one thousand and forty-three, one thousand and forty-seven, one thousand and forty-eight, one thousand and fifty-two, one thousand and sixty-five, one thousand and seventy-four, one thousand and ninety-three, one thousand and ninety-five, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand one hundred and three, one thousand one hundred and four, one thousand one hundred and thirteen, one thousand one hundred and fourteen, one thousand one hundred and fifteen, one thousand one hundred and seventeen, one thousand one hundred and twenty-one, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, one thousand one hundred and thirty-one, one thousand one hundred and forty-one, one thousand one hundred and forty-eight, one thousand one hundred and fifty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and fifty-eight, one thousand one hundred and fifty-nine, one thousand one hundred and sixty, one thousand one hundred and sixty-five, one thousand one hundred and seventy, one thousand one hundred and eighty-one, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand two hundred, one thousand two hundred and seven, one thousand two hundred and thirty-eight, one thousand two hundred and seventy-three, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-seven, one thousand two hundred and eighty-nine, one thousand three hundred and ten, one thousand three hundred and twenty-six, one thousand three hundred and thirty-five, one thousand three hundred and forty-six, one thousand three hundred and forty-nine, one thousand three hundred and fifty-four, one thousand three hundred and fifty-eight, one thousand three hundred and sixty-eight, one thousand three hundred and seventy, one thousand three hundred and seventy-three, one thousand three hundred and eighty-two, one thousand three hundred and eighty-three, one thousand three hundred and ninety-five, one thousand three hundred and ninety-six, one thousand four hundred and one, one thousand four hundred and twenty-nine, of the Penal Code, and to add a new section thereto, to be known as section eight hundred and nine, to provide for prosecutions, and to adapt the provisions of said Code thereto.

Upon the concurrence of Assembly amendments the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, George, Glaseock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, T aylor, Watson, West, and Zuck—30.

NOES—None.

Amendments concurred in.

Assembly Bill No. 45—An Act to amend sections three thousand four hundred and fifteen, three thousand four hundred and sixty-

six, three thousand four hundred and ninety-five, three thousand five hundred, and three thousand five hundred and forty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to the public lands of this State.

President Mansfield in the chair.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill ordered on the file for third reading.

Senate Bill No. 30—An Act to amend sections three hundred and thirty-two, three hundred and forty-three, three hundred and fifty-two, three hundred and sixty-seven, three hundred and eighty-four, three hundred and eighty-six, three hundred and ninety-six, three hundred and ninety-seven, four hundred and eight, four hundred and ten, four hundred and seventeen, four hundred and nineteen, four hundred and twenty, four hundred and twenty-two, four hundred and thirty-eight, four hundred and forty, four hundred and forty-one, four hundred and fifty-five, four hundred and fifty-six, four hundred and seventy-one, four hundred and seventy-two, four hundred and eighty-four, four hundred and eighty-six, five hundred, five hundred and twenty-eight, seven hundred and thirty-seven, seven hundred and thirty-eight, seven hundred and thirty-nine, seven hundred and forty-nine, seven hundred and sixty-seven, eight hundred and forty-one, eight hundred and fifty-two, eight hundred and fifty-three, nine hundred and ninety-six, three thousand seven hundred, four thousand and twenty-six, four thousand one hundred and three, four thousand one hundred and nine, four thousand one hundred and ten, four thousand one hundred and twelve, four thousand one hundred and fifteen, four thousand one hundred and sixteen, four thousand one hundred and nineteen, four thousand one hundred and seventy-six, four thousand two hundred and four, four thousand two hundred and fifty-six, four thousand three hundred and twenty-eight, and to repeal sections four hundred and fifteen, four hundred and twenty-one, four hundred and ninety-nine, five hundred and fifteen, six hundred and eighty-four, of the Political Code, relating to public officers, their duties and compensation.

During the second reading of the bill, Mr. Johnson moved that the bill be passed on the file and that the substitute reported by the committee be ordered printed.

Carried.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney :

SENATE CHAMBER, April 5th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: No. 343—An Act to provide for the permanent improvement of the State Capitol Park.

No. 433—An Act relating to fishing in the waters of this State.

CHENEY, Chairman.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson :

SENATE CHAMBER, April 5th, 1880.

MR. PRESIDENT: Your Committee on Enrollment have examined, and found correctly enrolled, Senate Bills Nos. 23, 191, and 234; also, Senate Concurrent Resolution No. 25; and that the same have this day been placed in the hands of the Governor, at two o'clock and forty-five minutes P. M.

HUDSON, Chairman.

GENERAL FILE—RESUMED.

Senate Bill No. 355 passed on file.

Senate Bill No. 21—An Act to amend section four thousand two hundred and four of the Political Code.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 185—An Act to amend sections four thousand two hundred and fifteen and four thousand two hundred and sixteen of the Political Code, relating to the duties of Auditors.

Read second time, and ordered engrossed.

By leave, Mr. Watson introduced the following resolution out of order:

MR. PRESIDENT: Your Committee on State Prison beg leave to report the following resolution, and recommend its adoption:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Treasurer for the sum of three hundred and seventy-three and thirty-five one-hundredths (373 35-100) dollars, payable out of the Contingent Fund of the Senate, in favor of Hon. Geo. W. Tyler, Chairman of the Joint Committee on State Prison of the Senate and Assembly: the same being the amount due from the Senate for the payment of one-half the mileage and fees of witnesses called before the committee in the matter of the investigation of the Branch State Prison at Folsom.

Read, and referred to the Committee on Contingent Expenses and Mileage.

By leave, Mr. Johnston introduced the following report out of order:

SENATE CHAMBER, April 5th, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 200, have had the same under consideration, and report the same back to the Senate without recommendation.

JOHNSTON, Chairman.

RECESS.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Johnston, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Glascock moved that the Senate take up second reading of bills to the exclusion of the third reading file.

Upon which the ayes and noes were demanded by Messrs. Enos, Glascock, and Harlan, with the following result:

AYES—Messrs. Anderson, Baker, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Langford, Moreland, Nye, Pardee, and West—14.

NOES—Messrs. Chase, Davis, Hittell, Johnson, Kane, Kelly, Rowell, Sears, Traylor, and Zuck—10.

It requiring a two-thirds vote to suspend the rules, the motion was declared lost.

Senator Cheney was granted leave of absence for the rest of the evening, on account of sickness.

Leave of absence was granted to the Committee on Mines and Mining.

Assembly Bill No. 337—An Act to encourage the planting of jute.

Read third time, and, not receiving the constitutional majority required, was declared lost by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Langford, Moreland, Pardee, Sears, Watson, West, and Zuck—20.

NOES—Messrs. Chase, Gorman, Kane, Nye, and Rowell—5.

NOTICE.

Mr. Chase gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 337 was lost.

Mr. Moreland moved that the Senate take up second reading of bills.

Carried.

SECOND READING FILE.

Mr. West called up, by leave, Senate Bill No. 355.

Senate Bill No. 355—An Act to amend sections two thousand nine hundred and six, two thousand nine hundred and seven, two thousand nine hundred and eight, two thousand nine hundred and nine, two thousand nine hundred and ten, two thousand nine hundred and eleven, two thousand nine hundred and twelve, two thousand nine hundred and thirteen, two thousand nine hundred and fourteen, two thousand nine hundred and fifteen, two thousand nine hundred and sixteen, two thousand nine hundred and seventeen, two thousand nine hundred and eighteen, two thousand nine hundred and nineteen, and two thousand nine hundred and twenty, of the Political Code.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Mr. Hittell moved that the Senate take up Assembly messages.

Lost.

Senate Bill No. 376—An Act to add a new section to the Political Code, to be known as section four thousand and forty-eight, providing for the redemption of county bonds in certain cases.

Read second time.

Substitute adopted, and bill ordered engrossed.

Senate Bill No. 447—An Act to regulate the bonds of Treasurers, Tax Collectors, Sheriffs, or other public officers having the collection,

disbursing, or charge of public moneys in their official capacity, in any city and county, or incorporated city or town, or any incorporated city and county of this State.

Read second time, and passed on file.

Senate Bill No. 484 withdrawn by the author.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Carlock:

SENATE CHAMBER, April 5th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz: Senate Bill No. 404—An Act to add a new section to the Political Code, to be known as section two thousand seven hundred and fifteen, relating to public highways.

Senate Bill No. 384—An Act to establish free public libraries and reading-rooms.

Senate Bill No. 378—An Act to amend section four hundred and fifty, and to repeal sections four hundred and fifty-one and four hundred and fifty-two of the Civil Code of California, relating to life insurance.

Senate Bill No. 97—An Act to amend section four thousand two hundred and twenty-one of the Political Code, relating to the counting of money in the county treasury.

Senate Bill No. 497—An Act to amend section four thousand and seventy-two of the Political Code, relating to the presentation of claims against counties.

Senate Bill No. 493—An Act to amend section four thousand and seventy of the Political Code, forbidding Supervisors to allow claims or contract debts in certain cases.

Senate Bill No. 266—An Act to amend section six hundred and eleven of the Civil Code, relating to cemetery corporations.

Senate Bill No. 427—An Act to authorize Boards of Supervisors to pay the expenses of posse comitatus in criminal cases.

Senate Bill No. 445—An Act to add a new section to the Political Code, to be known as section three thousand four hundred and ninety-one, relating to individual reclamation of swamp lands in certain cases.

Senate Bill No. 472—An Act to amend section three thousand four hundred and forty-six of the Political Code.

Senate Bill No. 166—An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Senate Concurrent Resolution No. 21—Relative to United States money and national banks.

Senate Joint Resolution No. 5—Relative to procuring the removal by Congress of the duty on printing paper and on materials used in the manufacture of the same.

Senate Concurrent Resolution No. 26—Relative to pensions to Mexican war veterans.

Senate Joint Resolution No. 6—Relative to memorializing Congress to grant certain funds to the State of California.

GLASCOCK, for the Chairman.

SECOND READING FILE—RESUMED.

Senate Bill No. 494—An Act to amend sections four thousand two hundred and four and four thousand and twenty-five, and to repeal section four thousand one hundred and eleven of the Political Code, relating to the election and term of office of Supervisors.

Read second time, and bill ordered engrossed.

Assembly Bill No. 495—An Act to add a new section to the Political Code, to be known as section four thousand three hundred and thirty, creating a Salary Fund.

Read second time, and bill ordered engrossed.

Senate Bill No. 496—An Act to add a new section to the Political Code, to be known as section four thousand three hundred and twenty-nine, relating to the compensation of Justices of the Peace.

Read second time, and bill ordered engrossed.

Senate Bill No. 76—An Act to amend section three thousand three hundred and fifty-nine of the Political Code.

Passed on the file.

Senate Bill No. 273—An Act to amend sections three thousand and seventy-four, three thousand and seventy-five, three thousand and

seventy-six, three thousand and seventy-seven, three thousand and seventy-eight, three thousand and seventy-nine, three thousand and eighty, three thousand and eighty-one, three thousand and eighty-two, and three thousand and eighty-five of the Political Code, relative to the registration of births, marriages, and deaths.

On motion of Mr. Dickinson, was indefinitely postponed.

Senate Bill No. 388—An Act to provide for the payment of certain outstanding bonds of Plumas County.

On motion of Mr. Nye, was indefinitely postponed.

Senate Bill No. 442—An Act to provide for the payment of the amount of interest due to Hastings College of the Law.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 474—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, relating to Administrators.

Read second time, and ordered engrossed.

Assembly Bill No. 130—An Act to amend section six hundred and ninety-one of the Political Code, approved March eighteenth, eighteen hundred and seventy-eight.

Read second time, and bill ordered on the general file for third reading.

Assembly Bill No. 142—An Act to amend the Penal Code, by adding a new section thereto, to be known as section five hundred and thirty-six, relative to cheats.

Read second time, and ordered on the general file for third reading.

Assembly Bill No. 118—An Act to amend section one thousand three hundred and eighteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relative to the contesting of the probate of wills.

Read second time, and ordered on the general file for third reading.

Assembly Bill No. 148—An Act to amend an Act entitled "An Act to enable certain parties therein named to alienate or incumber homesteads," approved March twenty-fifth, eighteen hundred and seventy-four.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill ordered on the general file for third reading.

Assembly Bill No. 149—An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March twenty-third, eighteen hundred and seventy-two.

Read second time, and ordered on the file for third reading.

Assembly Bill No. 170—An Act to amend section five hundred and twenty-nine of the Code of Civil Procedure, in relation to injunctions.

Read second time, and ordered on the file for third reading.

Assembly Bill No. 185—An Act to amend section six hundred and ninety of the Penal Code, relative to disclosing the contents of a telegraphic message.

Read second time, and ordered on the file for third reading.

Assembly Bill No. 261—An Act to amend section sixty of the Civil Code of California, relative to the intermarriage of whites with negroes and persons of other races.

Read second time.

Upon the question, "Shall the bill be read a third time?" the ayes and noes were demanded by Messrs. Enos, Conger, and West, with the following result:

AYES—Messrs. Anderson, Baker, Dickinson, Enos, Glascock, Harlan, Johnston, Kelly, Moreland, Nelson, Nye, Pardee, and Rowell—13.

NOES—Messrs. Chase, Conger, Davis, Hill, Hittell, Hudson, Johnson, Kane, Sears, Traylor, West, and Zuck—11.

Bill ordered to third reading.

Mr. Sears moved to reconsider the vote whereby Assembly Bill No. 130 was ordered on the file for third reading.

Carried.

Assembly Bill No. 130 considered.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill ordered on the file for third reading.

Senate Bill No. 481 withdrawn by the author.

Senate Bill No. 488—An Act to amend section three thousand four hundred and ten of the Political Code, relating to the payment for services rendered the State by the Registers and Receivers of the United States Land Offices.

Read second time, and passed on file.

Senate Bill No. 489 passed on file.

Senate Bill No. 490—An Act to amend section seven hundred and ninety-three of the Civil Code, relating to actions for possession of real property in certain cases.

Read second time, and ordered engrossed.

Senate Bill No. 491—An Act to amend section seventy-eight of the Civil Code, relating to actions to determine and declare the validity of marriages in certain cases.

Read second time, and ordered engrossed.

Senate Bill No. 492—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a Trustee may be discharged from his trust.

Read second time, and ordered engrossed.

Senate Bill No. 502—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 504—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Read second time, and ordered engrossed.

On motion of Mr. Nye, the vote whereby Senate Bill No. 355 was ordered engrossed was reconsidered.

Senate Bill No. 355 passed on file.

Senate Bill No. 297—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-six, three thousand four hundred and seventy-one, and three thousand four hundred and eighty-one, of the Political Code.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Mr. Johnson moved to indefinitely postpone Senate Bills Nos. 110 and 111.

Carried.

Senate Bill No. 181—An Act to amend sections three hundred and twenty-nine, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight, of the Code of Civil Procedure, relating to the venue in civil actions.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Senate Bill No. 511—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relative to writs of prohibition.

Read second time, and passed on file.

Senate Bill No. 417 passed on file.

Assembly Bill No. 200—An Act to amend sections one thousand six hundred and thirteen and one thousand six hundred and fourteen of the Penal Code, and to add a new section thereto, to be known as section one thousand six hundred and fifteen, relative to working prisoners in county jails.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered passed on the file.

At nine o'clock and thirty-five minutes p. m. Mr. Enos moved to adjourn.

Lost.

Senate Bill No. 519—An Act appropriating one hundred dollars per month for the purpose of procuring suitable rooms for Hastings College of the Law.

Read second time, and ordered engrossed.

Senate Bill No. 104 indefinitely postponed.

Senate Bill No. 509 passed on file.

Senate Bill No. 422 indefinitely postponed.

Senate Bill No. 515—An Act to appropriate money for the support of aged and infirm women.

Read second time, and passed on file.

ADJOURNMENT.

At nine o'clock and fifty-three minutes P. M., on motion of Mr. Davis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, April 6th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Johnson:

SENATE CHAMBER, SACRAMENTO, April 5th, 1880.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, and Drainage, to whom was referred Assembly Bill No. 354—An Act to provide for the protection of lands from overflow other than lands recognized as swamp lands—have considered and amended the same, and report it back, recommending its passage as amended.

JOHNSON, Chairman.

Senate Bill No. 554 ordered on file to immediately follow Assembly Bill No. 354.

By Mr. Johnson:

MR. PRESIDENT: The Committee on Chinese and Chinese Immigration, having had under consideration Senate Bill No. 346—An Act to protect the free migration of persons from the State of California—report the same back without recommendation.

Also, Senate Bill No. 347—An Act to regulate the use of privileges and franchises granted by the State of California—report the same back without recommendation.

Also, Senate Bill No. 348—An Act to enforce the provisions of section two, article nineteen, of the Constitution of California—report the same back without recommendation.

Also, Senate Bill No. 412—An Act declaring Chinamen incompetent to take or acquire real estate—report the same back without recommendation.

Also, Senate Bill No. 420—An Act to prevent the use of China labor in the performance of contracts wherein this State, any county, city and county, municipality, or other political subdivision of this State is a party—report the same back without recommendation.

Also, Senate Bill No. 529—An Act to encourage persons capable of becoming citizens of the United States to become such—report the same back without recommendation.

Also, Senate Bill No. 455—An Act to promote the emigration of Chinese from this State—report the same back without recommendation.

JOHNSON, Chairman.

By Mr. Johnston:

SENATE CHAMBER, April 5th, 1880.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 552—An Act to prevent the adulteration of honey—have had the same under consideration, report the same back to the Senate, and recommend its passage.

JOHNSTON, Chairman.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, April 6th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 19—An Act to compel banks, savings and loan societies, and all and every kind of person or persons, or corporation, receiving moneys or other valuable property on deposit or for safe keeping, to publish a sworn statement in certain cases—have had the same under consideration, and report the same back to the Senate without recommendation.

SEARS, Chairman.

The following communication was received from the Supervisors of Mono County:

BRIDGEPORT, MONO COUNTY, CALIFORNIA,
SUPERVISORS' ROOMS, April 5th, 1880. }

To the Honorable Senate and Assembly of the State of California:

The undersigned, composing the Board of Supervisors of Mono County, California, would respectfully remonstrate against the passage into a law the bill introduced into the Assembly by the Hon. Jos. Wasson, providing for the appointment of a Superior Judge for this county, to hold Court at the Town of Bodie. It is a matter seriously affecting the whole people of the county, in which they have not been consulted, involving, as it necessarily would, a heavy and extraordinary expense that the present financial condition of the county, the present revenue laws or those in contemplation, would wholly unwarrant or permit; and we fully believe that one competent Judge would be amply sufficient to discharge all the duties pertaining to the office; and for the purpose of clearing the calendar, as it now exists, a Judge from a neighboring county or one temporarily appointed for the purpose would afford all necessary relief. To more fully represent the whole matter to your honorable body, we would respectfully ask that you suspend action in the premises until Thursday, the eighth instant, at which time we believe the facts may be fairly represented, and your remonstrators would ever pray.

WM. WETHERILL,

W. A. LOOSE,

MORRIS DICK,

Supervisors Mono County.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, April 6th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 557—An Act to provide an additional Judge of the Superior Court of the County of Mono—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

NYE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 5th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 554—An Act to amend an Act entitled "An Act to incorporate the Town of Woodland," approved March twenty-fourth, eighteen hundred and seventy-four—have had the same under consideration, and report the same back, and recommend that it do not pass, as it is repugnant to the provisions of the Constitution.

Also, Assembly Bill No. 249—An Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March thirtieth, eighteen hundred and seventy-four—report the same back, and recommend its passage.

Also, Assembly Concurrent Resolution No. 21—Relative to the adjournment *sine die* of the Twenty-third Session of the Legislature of California—report the same back, and recommend that it be not adopted.

NYE, Chairman.

By Mr. Johnson:

SENATE CHAMBER, April 5th, 1880.

MR. PRESIDENT: The undersigned, a majority of the Judiciary Committee, to whom was referred Assembly Concurrent Resolution No. 21—Relative to the adjournment *sine die* of the Twenty-third Session of the California Legislature—beg leave to dissent from the minority report of said committee, in that we think said resolution should be adopted.

We are the servants of the people in a certain sense, and if the people of this State desire our services for a longer period than they so expressed by the adoption of the Constitution, then their other representative, the Governor, should express such desire, and call an extra session.

Wherefore we think said resolution should be adopted.

W. W. MORELAND,

GROVE L. JOHNSON,

JOHN S. ENOS,

W. A. CHENEY,

JOHN W. SATTERWHITE.

Mr. Satterwhite moved that Assembly Concurrent Resolution No. 21, above reported, be made the special order for Thursday morning, immediately after the reading of the Journal.

Carried.

By Mr. Neumann :

MR. PRESIDENT : Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 472, have had the same under consideration, and report the same back, with the recommendation that it pass as amended.

NEUMANN, Chairman.

Mr. Satterwhite moved that Assembly Bill No. 472, above reported, be placed number three on the second reading file.

Upon which the ayes and noes were demanded by Messrs. Satterwhite, Johnson, and Ryan, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Cheney, Davis, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Neumann, Pool, Satterwhite, Traylor, and West—21.

NOES—Messrs. Baker, Brown, Carlock, Conger, Dickinson, Enos, Hittell, Hudson, Nye, Pardee, Rowell, Ryan, Sears, and Watson—14.

Mr. Sears raised the point of order that the bill was not before the Senate for consideration, and could not be placed at the head of the file except by a two-thirds vote.

The Chair ruled the point of order not well taken, that the bill, at the time it was reported, was before the Senate and could be placed on the file in any position by a majority vote; but should the bill be once placed on the file it would require a two-thirds vote to then change its position.

Mr. Sears appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Moreland, Nye, Pool, Rowell, Satterwhite, Traylor, Watson, West, and Zuck—27.

NOES—Messrs. Baker, Brown, Conger, Enos, Hittell, Nelson, Pardee, Ryan, and Sears—9.

Decision of the Chair sustained, and bill ordered number three on the second reading file.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 5th, 1880.

MR. PRESIDENT : I am directed to inform your honorable body that the Assembly, on April fifth, eighteen hundred and eighty, concurred in Senate amendment to Assembly Bill No. 210—An Act to amend sections eight hundred and twenty-five and eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

Senate amendment to Assembly Bill No. 144—An Act to amend an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March twenty-fifth, eighteen hundred and seventy-four.

Senate amendments to Assembly Bill No. 146—An Act to amend an Act entitled "An Act concerning the selection and sale of University lands," approved March thirteenth, eighteen hundred and seventy-four.

Senate amendments to Assembly Bill No. 392—An Act to authorize Boards of Supervisors to employ a deputy in certain cases.

Also, receded from Assembly amendment number two, and refused to recede from Assembly amendment number ten to Senate Bill No. 174—An Act to amend sections one thousand two hundred and ninety-five, one thousand two hundred and ninety-eight, one thousand three hun-

dred and three, one thousand three hundred and five, one thousand three hundred and thirteen, one thousand three hundred and seventeen, one thousand three hundred and twenty-two, one thousand three hundred and thirty-eight, one thousand three hundred and forty, one thousand three hundred and forty-five, one thousand three hundred and sixty, one thousand three hundred and sixty-one, one thousand three hundred and sixty-two, one thousand three hundred and seventy-two, one thousand three hundred and seventy-three, one thousand three hundred and eighty-eight, one thousand three hundred and eighty-nine, one thousand three hundred and ninety-one, one thousand three hundred and ninety-three, one thousand three hundred and ninety-four, one thousand three hundred and ninety-eight, one thousand four hundred and two, one thousand four hundred and three, one thousand four hundred and six, one thousand four hundred and eleven, one thousand four hundred and twelve, one thousand four hundred and thirteen, one thousand four hundred and fourteen, one thousand four hundred and fifteen, one thousand four hundred and twenty-six, one thousand four hundred and twenty-seven, one thousand four hundred and thirty, one thousand four hundred and thirty-one, one thousand four hundred and thirty-two, one thousand four hundred and thirty-three, one thousand four hundred and thirty-six, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thousand four hundred and fifty-two, one thousand four hundred and fifty-three, one thousand four hundred and fifty-nine, one thousand four hundred and sixty, one thousand four hundred and sixty-one, one thousand four hundred and sixty-four, one thousand four hundred and sixty-five, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand four hundred and seventy, one thousand four hundred and seventy-four, one thousand four hundred and seventy-five, one thousand four hundred and eighty-five, one thousand four hundred and eighty-three, one thousand four hundred and ninety-four, one thousand four hundred and ninety-five, one thousand four hundred and ninety-six, one thousand four hundred and ninety-seven, one thousand four hundred and ninety-eight, one thousand four hundred and ninety-nine, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and seven, one thousand five hundred and ten, one thousand five hundred and twelve, one thousand five hundred and seventeen, one thousand five hundred and nineteen, one thousand five hundred and twenty-three, one thousand five hundred and twenty-six, one thousand five hundred and twenty-nine, one thousand five hundred and thirty, one thousand five hundred and thirty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-six, one thousand five hundred and thirty-seven, one thousand five hundred and forty, one thousand five hundred and forty-one, one thousand five hundred and forty-nine, one thousand five hundred and fifty-five, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-six, one thousand five hundred and sixty-nine, one thousand five hundred and seventy, one thousand five hundred and seventy-five, one thousand five hundred and eighty-five, one thousand five hundred and eighty-eight, one thousand five hundred and ninety, one thousand five hundred and ninety-one, one thousand five hundred and ninety-eight, one thousand six hundred and two, one thousand six hundred and three, one thousand six hundred and four, one thousand six hundred and sixteen, one thousand six hundred and eighteen, one thousand six hundred and twenty-two, one thousand six hundred and twenty-three, one thousand six hundred and twenty-four, one thousand six hundred and twenty-five, one thousand six hundred and twenty-nine, one thousand six hundred and thirty-two, one thousand six hundred and thirty-three, one thousand six hundred and forty, one thousand six hundred and forty-nine, one thousand six hundred and sixty-one, one thousand six hundred and sixty-seven, one thousand six hundred and sixty-nine, one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and seventy-seven, one thousand six hundred and eighty, one thousand six hundred and eighty-four, one thousand six hundred and eighty-five, one thousand six hundred and eighty-six, one thousand six hundred and ninety-two, one thousand six hundred and ninety-three, one thousand six hundred and ninety-four, one thousand six hundred and ninety-six, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, one thousand seven hundred and sixteen, one thousand seven hundred and eighteen, one thousand seven hundred and twenty, one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty, one thousand seven hundred and thirty-four, one thousand seven hundred and thirty-five, one thousand seven hundred and thirty-six, one thousand seven hundred and thirty-seven, and one thousand seven hundred and forty, of the Code of Civil Procedure, relating to the settlement of estates of deceased persons.

The Assembly requests a free conference upon said amendment number ten to said Senate Bill No. 174, and the Speaker has appointed to act as a committee on the part of the Assembly upon such conference Assemblymen Del Vaile, Fox, and Hardy.

J. M. WRIGHT, Assistant Clerk.

Mr. Hittell moved the appointment of a free conference committee to confer with Assembly appointees in relation to Senate Bill No. 174.
Carried.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April second, eighteen hundred and eighty, passed Assembly Bill No. 277—An Act making appropriation for deficiency in the appropriation for the permanent improvement of the State Capitol grounds lying east of the State Capitol building.

Also, Assembly Bill No. 551—An Act to amend section three thousand six hundred and forty of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and sixty-two, relating to revenue.

Also, on April third, eighteen hundred and eighty, the Assembly adopted Assembly Concurrent Resolution No. 22—Relative to distribution of certain reports after adjournment of the Legislature; and Assembly Concurrent Resolution No. 23—Relative to the establishment of a quarantine station on Angel Island.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 277, above reported, read first time, and referred to the Committee on Public Buildings.

Assembly Bill No. 551, above reported, read first time.

Mr. Moreland moved that the bill be placed number four on second reading file.

Carried, and reference ordered.

Assembly Concurrent Resolution No. 22, above reported, read first time, and ordered on file.

Assembly Concurrent Resolution No. 23, above reported, read first time, and ordered number five on second reading file.

SECOND READING FILE.

Assembly Bill No. 334—An Act to promote drainage.

On motion of Mr. Johnson the bill was considered in Senate.

Read second time.

Report by Mr. Hudson:

SENATE CHAMBER, April 6th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Concurrent Resolution No. 14, and that the same has this day been placed in the hands of the Governor, at ten o'clock and thirty minutes A. M.

HUDSON, Chairman.

Consideration of Assembly Bill No. 334 resumed.

Committee amendments adopted.

Mr. Carlock offered the following as an amendment to section two, line seven: Strike out the words "shall also," and insert the words "may when necessary."

Lost.

Mr. Nye moved to amend section one by striking out, in line three, the words "divide the estate into several," and in place thereof insert the words "establish one or more."

By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, April 6th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: No. 538—An Act to amend section four hundred and fifty-six of the Civil Code, relating to the debts of railroad corporations, and securities therefor, and sales of the property of said corporations.

CARLOCK, for Committee.

Mr. Johnson moved that the consideration of Senate Bill No. 334 be continued until disposed of.

RECESS.

During the consideration of the motion, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

RESOLUTION.

By Mr. Johnson (by leave):

Resolved, That the Secretary of the Senate, and each Assistant Secretary, be and they are hereby allowed the sum of one hundred dollars each, as compensation for their services in preparing the weekly history of Senate bills during this session.

Read, and referred to the Committee on Contingent Expenses and Mileage.

THIRD READING FILE.

Senate Bill No. 538—An Act to amend section four hundred and fifty-six of the Civil Code, relating to the debts of railroad corporations, and securities therefor, and sales of the property of said corporations.

Taken up out of order.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Pardee, Pool, Satterwhite, Sears, Traylor, West, and Zuck—28.

NOES—Messrs. Kane, Kelly, Nye, and Ryan—4.

Title read and approved.

Assembly Bill No. 384—An Act to amend an Act entitled "An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, in the State of California," approved January ninth, eighteen hundred and seventy-four.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—27.

NOES—Messrs. Chase, Hill, Hittell, Kane, and Zuck—5.

Title read and approved.

Mr. Chase, pursuant to notice, given on yesterday, now moved a reconsideration of the vote whereby Assembly Bill No. 337 failed to pass.

Carried.

Assembly Bill No. 337—An Act to encourage the planting of jute.
The question recurring upon the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—31.

NOES—Messrs. Chase, Gorman, Kane, and Satterwhite—4.

Title read and approved.

Mr. Hittell, pursuant to notice, given on yesterday, now moved a reconsideration of the vote whereby Senate Bill No. 526 failed to pass.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Neumann, with the following result:

AYES—Messrs. Anderson, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Kelly, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—23.

NOES—Messrs. Baker, Burt, Brown, Chase, George, Hill, Johnston, Lampson, Moreland, Pardee, Rowell, West, and Zuck—13.

Carried.

Upon the passage of the bill the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—24.

NOES—Messrs. Baker, Burt, Brown, Chase, George, Hill, Lampson, Moreland, Pardee, Rowell, West, and Zuck—12.

Title read and approved.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 526 was passed.

Pursuant to notice given by him on yesterday, Mr. Rowell now moved to reconsider the vote whereby Assembly Bill No. 320 was refused passage.

Upon which the ayes and noes were demanded by Messrs. Rowell, Enos, and West, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Davis, George, Glascock, Hudson, Johnson, Johnston, Moreland, Nelson, Neumann, Nye, Rowell, Satterwhite, Sears, Traylor, Watson, West, and Zuck—20.

NOES—Messrs. Burt, Cheney, Enos, Harlan, Hill, Hittell, Kane, Lampson, Pardee, Pool, and Ryan—11.

Carried.

Upon the passage of the bill the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Chase, Conger, Davis, George, Glascock, Hudson, Johnson, Johnston, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—23.

NOES—Messrs. Burt, Cheney, Dickinson, Enos, Harlan, Hill, Hittell, Kane, Lampson, and Pardee—10.

Assembly Bill No. 143—An Act to amend an Act entitled "An Act relating to apprentices and masters," approved April third, eighteen hundred and seventy-six.

Read third time, and bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, West, and Zuck—28.

NOES—Messrs. Conger, Enos, Kane, Nelson, and Ryan—5.

Title read and approved.

Assembly Bill No. 377—An Act to empower the Directors of Levee District Number One, of Sutter County, to issue bonds for the payment or funding of the unfunded indebtedness of said levee district, and to provide for the redemption of such bonds by taxing the property in the district.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—32.

NOES—Messrs. Hill and Rowell—2.

Title read and approved.

Senate Bill No. 276—An Act to amend section three thousand six hundred and forty-four of the Political Code, relating to the assessment of vessels.

Read third time.

During the consideration of the bill the hour of special order arrived.

Mr. Traylor moved that the rules be suspended, and that the Senate take up Senate Bill No. 374.

Upon which the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson, Moreland, Nelson, Neumann, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—29.

NOES—Messrs. Burt, Nye, Pardee, Pool, and Watson—5.

Carried.

Senate Bill No. 374—An Act to provide for the further extension of the water front line of the City and County of San Francisco, and the construction of the sea-wall.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—37.

NOES—None.

Title read and approved.

Consideration of Senate Bill No. 276 resumed.

The question recurred upon the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Cheney, George, Glascock, Harlan, Hill, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—24.

NOES—Messrs. Brown, Chase, Conger, Davis, Dickinson, Enos, Gorman, Hittell, Kane, Kelly, Nelson, Neumann, and Traylor—13.

Title read and approved.

Consideration of Assembly Bill No. 334 resumed.

The question recurred upon the amendment offered by Mr. Nye.

Upon which the ayes and noes were demanded by Messrs. Nye, Johnson, and Davis, with the following result:

AYES—Messrs. Anderson, Chase, Glascock, Gorman, Harlan, Hudson, Kane, Langford, Nye, Pardee, Rowell, and Zuck—12.

NOES—Messrs. Baker, Burt, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Nelson, Pool, Ryan, Sears, Traylor, Watson, and West—22.

Lost.

Mr. Satterwhite announced that he was paired with Mr. Neumann, Mr. Satterwhite stating that he would vote "aye," and Mr. Neumann would vote "no."

Mr. Sears moved to amend by striking out, from line three, section one, the word "several."

Lost.

Mr. Rowell moved to amend by striking out the words "and other," from line four, section two. Also, insert the word "and" between the words "operations" and "the," in line five. Also, strike out all after the word "channels," in line five, all of line six, and line seven, to and including the word "inundation."

Upon which the ayes and noes were demanded by Messrs. Rowell, Davis, and Johnson, with the following result:

AYES—Messrs. Anderson, Chase, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Langford, Nye, Pardee, Rowell, Satterwhite, Sears, and Zuck—15.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Neumann, Pool, Ryan, Traylor, Watson, and West—22.

Lost.

Mr. Johnson moved that the further consideration of Senate Bill No. 334 be continued, and made the special order for seven o'clock and thirty minutes P. M.

Carried.

RECESS.

At five o'clock and one minute P. M., on motion of Mr. Johnson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty-three minutes P. M.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Consideration of Assembly Bill No. 334 resumed.

Mr. Glascock moved to amend section one by striking out all after the word "divide," down to and including the word "district," and insert the words "such portion of the State as in their judgment seems proper, into drainage districts."

Mr. Johnston in the chair.

CHARGE OF BRIBERY.

During the course of the debate Mr. Kane made the charge that he was offered five hundred dollars to vote for the bill last night, and five hundred dollars more when the bill passed.

Mr. Dickinson demanded that the language of Mr. Kane should be taken down.

So ordered.

Mr. Dickinson moved that a committee be appointed to investigate as to the language used by Mr. Kane.

Carried.

The chair appointed Messrs. Dickinson, Enos, and Pardee.

Mr. Dickinson was excused.

The chair appointed Mr. Neumann to act in place of Mr. Dickinson.

Mr. Pardee moved that the committee retire to investigate as to the charges made.

Lost.

The question recurred upon the adoption of the amendment offered by Mr. Glascock.

Upon which the ayes and noes were demanded by Messrs. Enos, Glascock, and Davis, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Glascock, Gorman, Hittell, Kane, Langford, Nye, Pardee, Rowell, Satterwhite, Sears, and Zuck—14.

NOES—Messrs. Burt, Brown, Cheney, Conger, Davis, Dickinson, Enos, George, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Traylor, Watson, and West—20.

Lost.

Mr. Sears moved to amend by adding to section twenty-four the following: "*Provided*, the first district formed and organized under this Act shall be known as District Number One, and shall include Feather River, Yuba River, Bear River, and American River, and the counties through which said rivers flow; and all the money raised from taxation under this Act shall be used for the purpose of impounding the debris in said rivers and dyking their banks to prevent the overflow of said debris on to the farming lands adjacent thereto."

Upon which the ayes and noes were demanded by Messrs. West, Glascock, and Pardee, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Glascock, Gorman, Hittell, Kane, Langford, Pardee, Rowell, Satterwhite, Sears, and Zuck—13.

NOES—Messrs. Burt, Brown, Cheney, Conger, Dickinson, Enos, George, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Traylor, Watson, and West—20.

Lost.

At nine o'clock and thirty minutes P. M. Mr. Pardee moved to adjourn.

Lost.

Mr. Davis stated that he was paired with Mr. Harlan upon any and all questions arising during the consideration of the bill.

Mr. Glascock offered the following as a substitute for section four:

Within ten days after the organization of any drainage district the Governor shall call an election for the purpose of electing three persons, residents of the district, who shall constitute

a Board of Directors for the district so formed, and shall hold office until the first day of January next succeeding the first general election after the formation of such district. At the first general election held after the formation of such district, and every four years thereafter, there shall be elected three persons, who shall constitute a Board of Directors for such district. They shall organize by electing one of their number President, and shall take the usual oath of office; and shall each give a bond in the sum of twenty-five thousand dollars for the faithful performance of his duties, to be approved by some Superior Judge of the district, and filed with the Board of Drainage Commissioners. They shall, on or before the first day of January of each year, report to the Governor all their proceedings, showing the amount of work done, and amount of money they have expended. The Governor shall transmit the same to the Legislature.

Upon which the ayes and noes were demanded by Messrs. Glascock, Nye, and Pardee, with the following result:

AYES—Messrs. Anderson, Brown, Chase, Glascock, Gorman, Hittell, Kane, Langford, Nye, Pardee, Rowell, Satterwhite, Sears, West, and Zuck—15.

NOES—Messrs. Burt, Cheney, Conger, Dickinson, Enos, George, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Ryan, Traylor, and Watson—15.

Lost.

Mr. Langford moved to amend section two by striking out the word "lands" after the word "of," in line six of printed bill.

Upon which the ayes and noes were demanded by Messrs. Dickinson, Langford, and Enos, with the following result:

AYES—Messrs. Anderson, Chase, Glascock, Gorman, Hittell, Kane, Langford, Nye, Pardee, Rowell, Satterwhite, Sears, and Zuck—13.

NOES—Messrs. Burt, Brown, Cheney, Conger, Dickinson, Enos, George, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Traylor, Watson, and West—19.

Lost.

By Mr. Enos (by leave):

Resolved, That the committee appointed to investigate the language used by Senator Kane on this evening be and they are hereby authorized and empowered to send for persons and papers, and to administer all necessary oaths or affirmations in such investigation.

Adopted.

At nine o'clock and fifty-three minutes p. m. Mr. Pardee moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Pardee, with the following result:

AYES—Messrs. Brown, Chase, Conger, Gorman, Hittell, Kane, Langford, Moreland, Pardee, Satterwhite, Sears, and Zuck—12.

NOES—Messrs. Anderson, Burt, Cheney, Davis, Dickinson, Enos, George, Glascock, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Traylor, Watson, and West—21.

Lost.

Mr. Dickinson presented the certificate of election of James D. Byrnes as State Senator elect from the Eighth Senatorial District, and requested that Mr. Byrnes be allowed to take the oath of office.

So ordered.

Whereupon Mr. Byrnes appeared and was sworn in by the Secretary of the Senate as Senator from said District.

Leave of absence granted Mr. Pardee for the rest of the evening.

Mr. Rowell moved to amend section twenty-five, page thirteen: Strike out all of the section after the word "fund," in line four, and insert instead, "provided no warrant shall be drawn on such fund unless the money for its payment is in the fund at the date of its issuance."

Upon which the ayes and noes were demanded by Messrs. Enos, Rowell, and Glascock, with the following result:

AYES—Messrs. Anderson, Glascock, Gorman, Hittell, Kane, Langford, Nye, Rowell, Satterwhite, Sears, and Zuck—11.

NOES—Messrs. Burt, Byrnes, Cheney, Conger, Dickinson, Enos, George, Johnson, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Traylor, Watson, and West—17.

Lost.

Mr. Johnston announced that he was paired with Mr. Hill.

Mr. Glascock moved to strike out the word "property," in lines two and three, section sixteen, and insert the words "real estate."

Upon which the ayes and noes were demanded by Messrs. Glascock, Enos, and Johnson, with the following result:

AYES—Messrs. Anderson, Glascock, Hittell, Kane, Langford, Rowell, Satterwhite, Sears, and Zuck—9.

NOES—Messrs. Burt, Brown, Byrnes, Cheney, Conger, Dickinson, Enos, George, Gorman, Johnson, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Traylor, Watson, and West—21.

Lost.

At ten o'clock and twenty minutes P. M. Mr. Brown moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Brown, with the following result:

AYES—Messrs. Anderson, Brown, Cheney, George, Glascock, Gorman, Hittell, Kane, Langford, Rowell, Satterwhite, Sears, and Zuck—13.

NOES—Messrs. Burt, Byrnes, Conger, Davis, Dickinson, Enos, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Traylor, Watson, and West—19.

Lost.

Leave of absence granted Mr. Cheney for the rest of the evening.

Mr. Langford moved to amend section four by striking out after the word "the," in line two, of printed bill, the words "Governor shall appoint," and inserting in lieu thereof the following: "Qualified electors of said district, at an election called by the Governor for that purpose, shall elect by ballot."

Mr. Johnson moved that the further consideration of Assembly Bill No. 334 be continued, and that it be made the special order for to-morrow immediately after the reading of the Journal.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Sears, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Conger, Dickinson, Enos, George, Glascock, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pool, Ryan, Satterwhite, Traylor, Watson, and West—22.

NOES—Messrs. Anderson, Gorman, Hittell, Kane, Nye, Rowell, Sears, and Zuck—8.

Carried.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, April 7th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called and the following Senators answered to their names:

MESSRS. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Journal of yesterday read and approved.

Mr. Johnson moved that a committee be appointed to investigate the conduct of the Pages upon the floor.

Carried.

COMMITTEE ON FREE CONFERENCE.

The Chair appointed Messrs. Hittell, Johnson, and Nye to act as a Committee on Free Conference with a like committee appointed by the Assembly in relation to Senate Bill No. 174.

PETITION.

Mr. Davis, by leave, introduced the following petition:

MARYSVILLE, CALIFORNIA, April 6th, 1880.

To the Honorable the Senate of California:

WHEREAS, the Mayor of this city, in his inaugural address, delivered last evening, copies of which have been sent to the members of your honorable body, endeavors to create the impression that the majority of the citizens of Marysville are opposed to the passage of Assembly Bill No. 334, commonly called the Young Substitute, the undersigned, comprising all the Aldermen of said city, would respectfully, but earnestly, represent that such is not in fact the sentiment of the mass of our people. That, on the contrary, the feeling in favor of the measure referred to is nearly unanimous, it being regarded as the only possible and practicable enactment for our relief, and that its failure to receive your sanction and become a law would almost certainly cause eventual and irreparable ruin, not only to our own property interests, but to those of the entire valley. We, therefore, as representatives of the people of Marysville, respectfully urge prompt and favorable action by your honorable body. And in duty bound we shall ever pray.

J. H. KRAUSE, Alderman Third Ward.
E. C. ROSS, Alderman Second Ward.
J. P. SWIFT, Alderman First Ward.
JOHN PEIFFER, Alderman Fourth Ward.

SPECIAL ORDER.

Special order after reading Journal.

Assembly Bill No. 334—An Act to promote drainage.

The question recurring upon the adoption of the amendment as offered by Mr. Langford yesterday, the ayes and noes were demanded by Messrs. Langford, Johnson, and Davis, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Langford, Pardee, Rowell, Satterwhite, Sears, and Zuck—16.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, George, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Traylor, Watson, and West—22.

Lost.

Mr. Gorman moved to amend section twenty-four as follows: Strike out, in line two, the words "and each year thereafter."

Lost.

Mr. West moved to amend section sixteen, line three, by striking out the words "not to exceed," and insert the word "of."

President pro tem. Baker in the chair.

Upon the adoption of the amendment the ayes and noes were demanded by Messrs. Johnson, Enos, and West, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Sears, West, and Zuck—27.

NOES—Messrs. Burt, Conger, Dickinson, George, Johnson, Lampson, Nelson, Pool, Ryan, and Watson—10.

Adopted.

President Mansfield in the chair.

Mr. West moved to amend by striking out, in section twenty-four, line three, after the word "tax," the word "of," and inserting the words "not to exceed."

Upon which the ayes and noes were demanded by Messrs. West, Sears, and Davis, with the following result:

AYES—Messrs. Anderson, Glascock, Gorman, Harlan, Hill, Kane, Langford, Nye, Pardee, Satterwhite, and West—11.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Johnson, Johnston, Kelly, Moreland, Nelson, Neumann, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—25.

Lost.

Mr. Johnson announced that he had been instructed to state that Mr. Burt was paired with Mr. Hudson; Mr. Burt would vote "no" and Mr. Hudson would vote "aye."

Mr. Sears moved to amend section seventeen, line thirteen, after the word "district," by striking out the words "not to exceed" and inserting instead the word "of."

Adopted.

Mr. Rowell moved to amend section twenty-four, page twelve, line three, printed bill, by striking out the word "twentieth," and inserting instead the word "fortieth."

Upon which the ayes and noes were demanded by Messrs. Enos, Rowell, and Gorman, with the following result:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Glascock, Gorman, Harlan, Hill, Hittell, Kane, Langford, Nye, Pardee, Rowell, West, and Zuck—16.

NOES—Messrs. Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, George, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Sears, Traylor, and Watson—20.

Lost.

Mr. Anderson moved to amend section five by adding after the word "district," in line five, the words "They shall also appoint an Assistant Engineer, who shall be styled Resident Engineer, and whose duties are hereinafter stated."

Adopted.

Also, moved to amend section nineteen by adding after the word "Assessor," in line nineteen, the words "*provided*, that mines commonly known as river, ravine, or placer mines, shall not be included within the provisions of this section."

Mr. Brown offered the following as a substitute for the amendment offered by Mr. Anderson: Amend section nineteen, line two, by striking out the words "or any mine."

Mr. Anderson temporarily withdrew his amendment.

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Brown, Conger, and Enos, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Davis, Glascock, Harlan, Hill, Hittell, Langford, Pardee, Rowell, Sears, and Zuck—14.

NOES—Messrs. Byrnes, Chase, Cheney, Conger, Dickinson, Enos, George, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Traylor, Watson, and West—20.

Lost.

Mr. Dickinson moved that the time of recess be extended until after the receipt of an Assembly message, and a motion be made relating to Assembly Bill No. 334.

Carried.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

THIRD READING FILE.

Senate Bill No. 244—An Act to amend section three thousand four hundred and sixty-six of the Political Code, in relation to the collection of delinquent charges and assessments in swamp land and reclamation districts made for reclamation purposes.

By unanimous consent the Secretary was authorized to strike out the word "or," in section one, before the word "by."

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Pardee, Rowell, Satterwhite, Traylor, Watson, West, and Zuck—26.

NOES—None.

Title read and approved.

Senate Bill No. 401—An Act to add to part two, division second, of the Civil Code, a new title to be known as title five, containing eight-

cen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Davis, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—25.

NOES—Messrs. Chase, Conger, Gorman, Johnson, and Kane—5.

Title read and approved.

Senate Bill No. 332—An Act to provide for the construction, maintenance, and regulation of fish ways.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—28.

NOES—None.

Title read and approved.

Senate Bill No. 394—An Act to amend section eight hundred and eleven of the Penal Code, concerning the jurisdiction of Magistrates.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Johnson, Kane, Lampson, Langford, Moreland, Nelson, Pardee, Rowell, Ryan, Satterwhite, Watson, West, and Zuck—26.

NOES—Messrs. Hittell, Johnson, and Traylor—3.

Title read and approved.

Senate Bill No. 416—An Act to amend section number one thousand three hundred and thirteen of the Civil Code, concerning devises to charitable uses.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—31.

NOES—Mr. Hittell—1.

Title read and approved.

Senate Bill No. 429—An Act to amend sections seven hundred and fifty-seven and seven hundred and fifty-eight of the Code of Civil Procedure.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Davis, Glascock, Gorman, Harlan, Hill, Hudson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—24.

NOES—Messrs. Cheney, Conger, George, Hittell, and Johnson—5.

Title read and approved.

Senate Bill No. 183—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one, of the Political Code, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six, of said Code, providing for a duplicate assessment book.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Davis, Enos, George, Glascock, Gorman, Harlan, Hittell, Johnson, Kane, Kelly, Lampson, Langford, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, Watson, and West—26.

NOES—Mr. Hill—1.

Title read and approved.

Senate Bill No. 87—An Act designating the places in which polls shall be located.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—29.

NOES—Mr. Nelson—1.

Title read and approved.

Senate Bill No. 316 passed on file.

Senate Bill No. 555—An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kane, Kelly, Lampson, Langford, Nelson, Nye, Pardee, Pool, Ryan, Sears, Traylor, Watson, and West—26.

NOES—None.

Title read and approved.

Senate Bill No. 393 passed on file.

Senate Bill No. 377—An Act to amend section six hundred and sixteen of the Political Code, in relation to foreign insurance corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Langford, Nye, Pool, Ryan, Sears, Traylor, and West—22.

NOES—Messrs. Brown, Hill, Kelly, Lampson, Nelson, Pardee, and Watson—7.

Title read and approved.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate passed Senate Bill No. 377.

Assembly Joint Resolution No. 10—Relative to the enforcement of the United States statute making eight hours the length of a day's labor on public works.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—30.
 NOES—Messrs. Hittell and Hudson—2.

Title read and approved.

Assembly Joint Resolution No. 7—Relative to the procuring of a quarantine depot.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Watson—32.
 NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 17—Relative to the establishment of first order light and a steam fog signal station at Point St. George, on the northern coast of California.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Watson—32.
 NOES—None.

Title read and approved.

Senate Bill No. 343—An Act to provide for the permanent improvement of the State Capitol Park.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hudson, Johnson, Johnston, Kane, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—30.
 NOES—Messrs. Harlan, Hill, Hittell, and Langford—4.

Title read and approved.

Senate Bill No. 433—An Act relating to fishing in the waters of this State.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Enos, George, Glascock, Gorman, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Ryan, Sears, Watson, and Zuck—25.
 NOES—Messrs. Dickinson, Hittell, Hudson, Nye, Rowell, and Traylor—7.

Title read and approved.

Assembly Joint Resolution No. 15—Relative to extending the thanks of the State to J. W. Mackey.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, and Zuck—30.
 NOES—Messrs. Conger, Johnson, Rowell, and Traylor—4.

Title read and approved.

Senate Bill No. 404—An Act to add a new section to the Political Code, to be known as section two thousand seven hundred and fifteen, relating to public highways.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hudson, Johnston, Kane, Kelly, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—31.

NOES—Messrs. Hittell and Nye—2.

Title read and approved.

Senate Bill No. 384—An Act to establish free public libraries and reading-rooms.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—33.

NOES—Messrs. Gorman, Kane, and Kelly—3.

Title read and approved.

Pursuant to notice given yesterday, Mr. Johnston now moved a reconsideration of the vote whereby Senate Bill No. 526 was passed, and asked that the same be made the special order for Thursday, at three o'clock P. M.

Mr. Enos, by leave, introduced the following report:

SENATE CHAMBER, SACRAMENTO, April 7th, 1880.

* MR. PRESIDENT: The committee appointed to investigate as to the charges made by Senator Kane, while the Senate was in session, on Tuesday evening, April sixth, eighteen hundred and eighty, beg leave to report that Ed. J. Smith was appointed Clerk of the committee, and after being duly sworn by Mr. Enos, the Chairman of the committee, Senator Kane gave his testimony, which is hereto annexed and made a part of this report.

Senator Kane was present, with Senator Sears and Zuck, whom, at Mr. Kane's request, were allowed to act as his advisers in the matter.

From the testimony your committee report that it appears, and we do so state and report, that Senator Kane absolutely refuses to divulge the name of the party, who, he alleges, attempted to bribe him, or who offered him a bribe to vote for the so-called "Debris Bill."

JOHN S. ENOS, Chairman.
E. H. PARDEE.
PAUL NEUMANN.

SENATOR ENOS—Senator Kane will now proceed to make his statement.

SENATOR KANE—All I have to say is what I stated on the Senate floor. That transaction occurred, but it was confidential, and not for a million dollars would I divulge it; but I told the man I'd burst it on the floor of the Senate and save my city one hundred and twenty-seven thousand dollars.

Q.—Is that all you have to say?

A.—I decline to name the man who made the offer.

Q.—Will you state the place where it was made?

A.—In my room.

Q.—When?

A.—Two or three days ago.

Q.—What was offered?

A.—Just as I told you: five hundred dollars if I'd vote for the bill, and five hundred dollars when it passed.

Q.—When was this?

A.—Two or three nights ago.

Q.—At what time?

A.—After the evening session.

Q.—Was it after the present bill had been up?

A.—The drainage bill.

Q.—Was it in relation to the debris bill?

A.—I suppose it was; that's what they call it.

Q.—Was the money there?

A.—The money was pulled out of his pocket, and had a piece of paper around it.

Q.—Gold or greenbacks?

A.—I judge it was greenbacks.

Q.—Was it offered to you?

A.—It was there, and I might take it.

Q.—Where?

A.—In the man's hand.

Q.—What reply did you make to the man?

A.—I said I was not in the Legislature to sell myself.

Q.—Did he say he'd give it to you to vote for the bill, and five hundred dollars more if it passed?

A.—Yes, he said so.

Q.—Why won't you tell?

A.—Because I hate the role of informer. Where I was raised the informer is despised. I said I'd tell of it, but that I wouldn't, and I won't send any man to prison for it. You can send me to prison, but I'll send no one else.

Q.—Did you inform any one of it before you did the Senate?

A.—No.

Q.—Have you any witnesses or any circumstances to cite?

A.—None that I know of.

SENATOR PARDEE—Where is your room, sir?

A.—On Eighth Street, and K Street.

Q.—A public or a private house?

A.—No, it is a private house, kept by Mrs. McGinness, a poor woman with children, and I went there to help her out a bit.

Q.—Did the man ever before approach you for a like purpose, directly or indirectly, since you have been a Senator?

A.—Not directly; no, never.

Q.—On the Revenue bill, for instance?

A.—Oh! on that there was lots of outside influence.

Q.—Any money?

A.—Well, I considered if any one took it, it was there.

Q.—Did you see any?

A.—I saw none.

SENATOR SEARS—You ought to confine this, I think, to the case here.

SENATOR PARDEE—Was it the same man?

A.—No, sir.

Q.—You regard this Senate as one of the highest of tribunals, do you not?

A.—Yes.

Q.—You understand that you have made charges that may be taken to implicate every Senator if not explained?

A.—I stated that I implicate no Senators or Assemblymen.

Q.—You know the law relative to bribery?

A.—Yes, and I wanted to break down the third house.

Q.—Now, you have it in your power to break it down, and we demand of you that you reveal the name of the man who sought to bribe you as a State Senator.

A.—Doctor, I can't do it. I regard my promise as a sacred one; it is a sacred principle with me, as sacred as to the priest at the confessional. I am ready to be punished, but not to divulge.

Q.—We, the committee, feel it a sacred duty to go to the bottom of this affair. We want to probe it to the very center, and we demand, we ask of you, to tell us the name of the man you charge with attempted bribery?

A.—I can't do it, on my honor as a man and a Senator. I said I'd "blow it," but the name is sacred, and I will never divulge it.

Q.—What security have we that it is not all moonshine?

A.—I believe in an oath, in God, and the Bible, and I will take my oath before a Notary Public that what I have stated is so.

Q.—You peremptorily refuse to divulge the name?

A.—Yes; I can't give the name.

SENATOR ENOS—Can't you give any other circumstance to throw light on this matter?

A.—I have knowledge of no other.

Q.—Was any one seen leaving or coming to your room?

A.—I can't say.

SENATOR PARDEE—Do you know whether money has been used with others—whether it —

A.—(Interrupting.) Only as to myself. We often have suspicions, but —

Q.—Didn't he tell you it was a common occurrence for Senators to take money, and that their expenses were high, and they had to do it?

A.—No; I can't say that he said so.

Q.—Didn't he say he gave money to others?

A.—No; I am positive he didn't.

SENATOR ENOS—How long did this interview last?

A.—Probably half an hour.

SENATOR PARDEE—What did you say to him; that you'd divulge —

A.—(Interrupting). I did.

SENATOR ENOS—This took place then early Saturday or Sunday night. Why did you not come to the Senate and at once report it?

A.—Thought it time—well, at that time it did not come up; thought it time when the bill came up.

SENATOR PARDEE—Now, Mr. Kane, the committee is unanimously of the opinion, that it is your duty to give the name of this individual that tried to bribe you to vote against what you considered your conscientious convictions and duty, and we demand it of you, that you give the name, as a duty to the committee, to the Senate, to the State, and to the people.

A.—I can't do it.

Q.—You refuse?

A.—I do.

Q.—Do you know that you are treating this committee and the Senate with contempt?

A.—I intend no contempt. I am pledged to the man not to reveal his name. I pledged so that I might draw him out, and see what he was after.

Q.—Then you refuse?

A.—I've told you all I know.

SENATOR SEARS—The committee means a legal contempt, Mr. Kane.

A.—I've told all I know.

SENATOR PARDEE—There is nothing in it.

A.—I can't help it.

Q.—Was this man in the Senate last night, at the Senate or after?

A.—No; I —

Q.—Who were you walking down with, arm in arm, last night?

A.—Last night?

Q.—Yes?

A.—Why, with Mr. Sears. I may have went down with others, too.

Q.—He is your counsel?

A.—Yes, to defend me as to my legal rights.

Q.—Did you tell him?

A.—No, and never will!

Q.—Does the man reside here?

A.—Off and on; believe he lives in San Francisco.

Q.—Is he a lobbyist?

A.—I can't say if he is.

[Mr. Neumann here took a seat with the committee, and Mr. Enos stated to him the substance of the proceedings had.]

Q.—Was the man the same you refer to in reference to the revenue bill?

A.—No.

Q.—Or the Rogers' Act?

A.—I didn't refer to the Rogers' Act.

SENATOR ENOS—Mr. Neumann, Mr. Kane peremptorily refuses to give us facts or circumstances.

A.—I told the Senate all I knew of it last night.

SENATOR NEUMANN—I see no excuse for Mr. Kane screening himself behind any pledge.

SENATOR ENOS—Nor I.

SENATOR NEUMANN—If he don't reveal, I favor reporting him to the Senate for contempt.

SENATOR PARDEE—We have told him that.

SENATOR KANE—I mean no contempt. My sacred honor is as dear to me as my life.

SENATOR NEUMANN—You are laying yourself liable to prosecution for compounding a felony. You peremptorily refuse still?

A.—I do.

SENATOR SEARS—Had you any talk with the man before?

A.—Yes.

Q.—As to the drainage bill?

A.—Yes; on the sidewalk.

Q.—What was said?

A.—I can't say exactly.

Q.—Give the substance.

A.—I can't give it.

Q.—Did he make an offer of bribery?

A.—Well, he talked the same way, and asked me if I had any objections to talk. I said I'd talk with any one.

Q.—Did he talk of influencing your vote?

A.—Yes, the same as I have said.

Q.—Then he made you an offer of one thousand dollars, five hundred dollars to vote for the bill and —

A.—Yes, that's it.

Q.—I mean five hundred dollars to vote, and five hundred dollars when the bill passed?

A.—Yes.

- Q.—When was that?
 A.—The day before, or the same day.
 Q.—What did you say?
 A.—I told him I'd not sell.
 Q.—Then he said he'd call?
 A.—Yes; he said he'd call.
 Q.—Did you make an appointment?
 A.—He said he'd call, as I'd have time then to consider it over.
 Q.—He came?
 A.—Yes.
 Q.—How long did he remain?
 A.—Oh! a half hour, I guess.
 Q.—What did he say?
 A.—Oh! he said there was money in the debris question, and he had some of it.
 Q.—Did he put his hand in his pocket?
 A.—Yes; and took out a roll of greenbacks with a paper on it.
 Q.—I understand you refuse to give the name because in your native country the informer is looked upon as more guilty than the thief; and also, that you have religious convictions as to it?
 A.—Yes.
 Q.—This man has been around the Legislature this winter?
 A.—Yes; some.
 Q.—What was his business here?
 A.—I don't know.
 Q.—What was his business in San Francisco?
 A.—I don't know as I know exactly.
 Q.—When did you see him in San Francisco?
 A.—I can't say I saw him there but once or twice.
 Q.—What used to be his business?
 A.—I think, some years ago he was a barkeeper.
 Q.—Did you ever hear any one say what his business was?
 A.—That was the report years ago; I believe yet he is a barkeeper.
 Q.—You don't know of your own knowledge what his occupation is.
 A.—No, sir.
 Q.—Have you seen him since the offer?
 A.—Yes.
 Q.—What did he say?
 A.—He asked me if I had considered the proposition and changed my mind.
 Q.—When was this?
 A.—Yesterday.
 Q.—Where?
 A.—At the Capitol building.
 Q.—What did you tell him?
 A.—I told him I couldn't be purchased.
 Q.—Did he say anything about your exposing it on the floor of the Senate?
 A.—No; I told him I'd do it.
 Q.—When was that?
 A.—About ten A. M.
 Q.—Was the Senate in session?
 A.—Yes.
 Q.—Where was it this took place?
 A.—On the floor of the Senate.
 Q.—On the floor?
 A.—Yes, the outside floor.
 Q.—Did you have a long conversation?
 A.—No, not long.
 Q.—What did he say when you said you would expose it?
 A.—He didn't say anything.
 SENATOR SEARS.—As soon as this happened last night Mr. Kane asked Senator Zuck and myself to appear for him, and that is why we are here.
 SENATOR PARDEE.—Mr. Kane, why did this man select you?
 A.—I can't say.
 Q.—Did he approach any one else?
 A.—I can't say.
 Q.—What do you think?
 A.—I don't think anything about it.
 Q.—Was there any promise or tender of money to you to keep the name secret, or has any been made since your statement in the Senate?
 A.—No, sir.
 Q.—Or any threats?
 A.—Nor any threats.
 Q.—Is he a large or middle sized man?
 A.—Oh! medium.
 Q.—Thick or fat?

A.—Oh! medium, neither thick nor fat.

Q.—How was he dressed?

A.—Can't say.

Q.—In white?

A.—Oh, no!

Q.—Brown?

A.—Can't say.

Q.—Snuff-color?

A.—Oh, you might say brown, snuff-color, or black.

Q.—Well, he had a dress?

A.—Oh, yes.

Q.—Had he his hat off?

A.—Yes, when he came in.

Q.—Is he bald headed?

A.—No, I can't say he is.

SENATOR PARDEE—I move to report to the Senate that we have been treated, as a committee, with contempt, and ask the Senate for further instructions.

SENATOR SEARS—Better report the facts, I think, gentlemen.

SENATOR ENOS—I believe it better to report the testimony as far as taken.

[A consultation here took place between the members of the committee.]

SENATOR PARDEE (to Senator Kane)—How old was this man?

A.—I couldn't say how old, perhaps over thirty.

Q.—Was he ever in the horse business?

A.—I don't know.

Q.—Did you ever hear that he was in it?

A.—I can't say. I have not gone about much in San Francisco of late years, or visited club rooms or stables.

Q.—How long have you known him?

A.—Oh, several years, in a way.

Q.—Is there any particular thing in his appearance especially noticeable?

A.—Oh, I don't know.

Q.—Did you notice any peculiarity about him?

A.—No, sir.

Q.—Did you see his foot?

A.—Yes.

Q.—Was it long and low in the instep?

A.—I can't say.

Q.—What countryman was he?

A.—I can't be sure as to that. Think he is an Irishman. He might have been born in Scotland for what I know.

Here the committee took a recess to allow the testimony to be written out.

At twelve o'clock and thirty minutes P. M. the committee re-assembled, and the foregoing report of testimony was read over to the committee, to Senator Kane and his advisers, and agreed to by all as accurate and correct.

ED. J. SMITH, Clerk of Committee on Investigation.

RESOLUTION.

Mr. Dickinson, by leave, introduced the following resolution:

Resolved, That the committee appointed to examine into and investigate the language used and charges made by Senator Thomas Kane, on the evening of April sixth, he and they are hereby instructed to pursue said investigation, and that said Senator Kane be and he is hereby directed and ordered to be and appear before said committee, and to state to them the name of the person who attempted to bribe him, and to answer such other pertinent questions as may be put to him.

Adopted.

Mr. Dickinson moved that the committee be empowered to employ a short-hand reporter.

Carried.

Consideration of Senate Bill No. 334 resumed.

Mr. Davis moved a reconsideration of the vote whereby the amendment hereinbefore offered to section nineteen, line two, was lost.

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Brown, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Conger, Davis, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Langford, Neumann, Pardee, Rowell, Satterwhite, Sears, Watson, West, and Zuck—26.

NOES—Messrs. Chase, Cheney, Dickinson, Gorman, Johnson, Moreland, Nelson, Nye, Pool, Ryan, and Traylor—11.

Amendment reconsidered.

The question now recurred upon the adoption of the amendment offered by Mr. Brown.

Upon which the ayes and noes were demanded by Messrs. Johnson, Brown, and Davis, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Davis, George, Glascock, Harlan, Hill, Hudson, Pardee, Rowell, Sears, and Zuck—15.

NOES—Messrs. Carlock, Chase, Cheney, Conger, Enos, Gorman, Hittell, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Satterwhite, Traylor, Watson, and West—21.

Lost.

On motion of Mr. Glascock, Mr. Johnson was excused from voting on the above amendment.

Mr. Anderson now renewed his amendment hereinbefore offered to section nineteen, line ten.

Upon the adoption of which the ayes and noes were demanded by Messrs. Brown, Anderson, and Johnson, with the following result:

AYES—Messrs. Anderson, Brown, Chase, Glascock, Harlan, Hill, Hudson, Langford, Pardee, Rowell, Sears, and Zuck—12.

NOES—Messrs. Baker, Burt, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Traylor, Watson, and West—25.

Lost.

Mr. Sears moved to amend section thirteen, line two, after the word "Engineer," by inserting the words "who shall be appointed by the Governor."

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Sears, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Sears, and Traylor—26.

NOES—Messrs. Conger, Dickinson, Enos, Johnson, Nelson, Pool, Ryan, Satterwhite, Watson, West, and Zuck—11.

Adopted.

Also, moved to amend section twenty-four, line eleven, by striking out all after the word "district," to the word "shall," in line twelve, and inserting the words "*provided*, that all the moneys raised under the provisions of this Act."

Also, insert in line fourteen, after the word "channels," the words "in which said debris flows."

Upon which the ayes and noes were demanded by Messrs. Johnson, Pardee, and Davis, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—31.

NOES—Messrs. Conger, Johnson, Johnston, Nelson, and Pool—5.

Adopted.

Mr. Anderson moved to amend section twenty-three, lines four and five, by striking out the words, "*provided*, no one owner shall be liable for the payment due from any other owner."

Withdrawn by the author.

Mr. Zuck moved to amend by striking out all of sections twenty-one, twenty-two, and twenty-three.

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Zuck, with the following result:

AYES—Messrs. Baker, Chase, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kane, Langford, Nye, Pardee, Rowell, Satterwhite, West, and Zuck—16.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Sears, Traylor, and Watson—23.

Lost.

Mr. Johnston moved that the bill be continued and made the special order from immediately after the reading of the Journal.

Carried.

Mr. Chase gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 429 was passed.

Mr. Rowell, by leave, offered the following report:

MR. PRESIDENT: Your Committee on Town and County Governments, to whom was referred Assembly Bill No. 274, herewith report the same back to the Senate, and recommend its passage.

ROWELL, for the Chairman.

Assembly Bill No. 274 ordered number seven on the second reading file.

MESSAGE FROM THE ASSEMBLY.

On motion of Mr. Baker, the following Assembly message was taken up out of order:

ASSEMBLY CHAMBER, SACRAMENTO, April 6th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April second, third, and sixth, eighteen hundred and eighty, amended, and, on April sixth, passed as amended, Senate Bill No. 336—An Act to provide for the erection of a building for the use of the Normal School.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 336, above reported, taken up, and Assembly amendments concurred in by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—30

NOES—Messrs. Glascock, Gorman, Hittell, Kane, and Langford—5.

Mr. Johnson, from the Joint Committee on State Prisons, introduced a report in relation to the Branch State Prison at Folsom, and the same was ordered printed.

On motion of Mr. Lampson, Senate Bill No. 475, reported by the Assembly to the Senate, was called up without the reading of the message accompanying therewith.

Upon the concurrence in Assembly amendments, the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—34.

NOES—None.

Amendments concurred in.

At five o'clock and twenty minutes p. m. Mr. Enos moved to adjourn until to-morrow at ten o'clock a. m.

Mr. Pardee moved, as an amendment, that the Senate take a recess until seven o'clock and thirty minutes p. m. to-day.

Upon which the ayes and noes were demanded by Messrs. Enos, Pardee, and Johnson, with the following result:

AYES—Messrs. Anderson, Dickinson, Glascock, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Rowell, West, and Zuck—15.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, Gorman, Harlan, Hill, Hittell, Kane, Kelly, Pool, Ryan, Sears, Traylor, and Watson—21.

Lost.

Upon the motion to adjourn until to-morrow at ten o'clock a. m., the ayes and noes were demanded by Messrs. Enos, Johnson, and Burt, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Enos, Harlan, Hittell, Kelly, Lampson, Pool, Ryan, Sears, Traylor, Watson, and West—19.

NOES—Messrs. Anderson, Carlock, Dickinson, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Nelson, Nye, Pardee, Rowell, and Zuck—17.

Lost.

At five o'clock and thirty-three minutes p. m. Mr. Johnson moved that the Senate take a recess until seven o'clock and thirty minutes p. m.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Burt, with the following result:

AYES—Messrs. Anderson, Carlock, Dickinson, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Nelson, Nye, Pardee, and Zuck—16.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Enos, Harlan, Hittell, Kelly, Lampson, Pool, Rowell, Ryan, Sears, Watson, and West—19.

Lost.

ADJOURNMENT.

At five o'clock and thirty-seven minutes p. m. Mr. Enos moved that the Senate adjourn until to-morrow at ten o'clock a. m.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Davis, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, Gorman, Harlan, Hittell, Kelly, Lampson, Nelson, Pool, Rowell, Ryan, Sears, Watson, and West—22.

NOES—Messrs. Anderson, Dickinson, Glascock, Hill, Hudson, Johnson, Johnston, Kane, Langford, Moreland, Nye, Pardee, and Zuck—13.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, April 8th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday was read and approved.

SPECIAL ORDERS AFTER READING THE JOURNAL.

Assembly Concurrent Resolution No. 21—Relative to the adjournment *sine die* of the Twenty-third Session of the Legislature of California.

Mr. Dickinson moved that the consideration of the above resolution be made the special order for immediately after the conclusion of the consideration of Assembly Bill No. 334.

Upon which the ayes and noes were demanded by Messrs. Johnson, Dickinson, and Conger, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Davis, Dickinson, George, Hittell, Hudson, Kelly, Langford, Nye, Pool, Rowell, Ryan, Traylor, Watson, and Zuck—19.

NOES—Messrs. Anderson, Chase, Cheney, Conger, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Moreland, Nelson, Satterwhite, and West—14.

Carried.

Assembly Bill No. 334—An Act to promote drainage.

Mr. Glascock offered the following as a substitute for section four:

SECTION 4. A Board of Directors shall be formed in each drainage district, to consist of three residents of such district, one of whom shall be Resident Engineer, and shall be appointed by the Governor, the other two shall be elected by the residents of the district. Within ten days after the organization of any drainage district the Governor shall appoint such Resident Engineer, and shall call an election for the purpose of electing two such Directors for the district so formed, and who, together with the Resident Engineer, shall hold office until the first day of January next succeeding the first general election after the formation of such district. At the first general election held after the formation of such district, and every four years thereafter, there shall be elected two persons, who, together with the Resident Engineer, shall constitute a Board of Directors for such district. They shall organize by electing one of their number President, and shall take the usual oath of office; and shall each give a bond in the sum of twenty-five thousand dollars for the faithful performance of his duties, to be approved by some Superior Judge of the district, and filed with the Board of Drainage Commissioners. They shall, on or before the first day of January of each year, report to the Governor all their proceedings, showing the amount of work done, and amount of money they have expended. The Governor shall transmit the same to the Legislature.

Upon which the ayes and noes were demanded by Messrs. Glascock, Davis, and Johnson, with the following result:

AYES—Messrs. Anderson, Glascock, Gorman, Harlan, Hill, Hudson, Nye, Rowell, Satterwhite, West, and Zuck—11.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Neumann, Pool, Ryan, Traylor, and Watson—19.

Lost.

Mr. Chase announced that he was paired with Mr. Nelson, Mr. Chase voting "aye," and Mr. Nelson "no."

Mr. Glascock announced that he was paired with Mr. Dickinson, he voting "aye," and Mr. Dickinson voting "no."

Mr. Hittell offered the following as an amendment to section twenty-five: Strike out all of the section after and including the word "provided," in line four.

Upon which the ayes and noes were demanded by Messrs. Johnson, Hittell, and Glascock, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Nye, Rowell, Satterwhite, and West—13.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Traylor, and Watson—20.

Lost.

Mr. West moved to amend section twenty, line four, after the word "district," by striking out the words "of one and one-half."

Upon which the ayes and noes were demanded by Messrs. West, Rowell, and Cheney, with the following result:

AYES—Messrs. Baker, Chase, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Langford, Nye, Pardee, Rowell, Satterwhite, West, and Zuck—15.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Enos, George, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Sears, Traylor, and Watson—21.

Lost.

Mr. Pardee offered the following as a substitute for section twenty:

SECTION 20. This Act shall be voted upon by the electors of the State at the next general election under the general election laws of this State, which takes place on the second Tuesday of November next, and if a majority of all the votes cast be in favor of this Act, then the same shall be ratified by the next Legislature, when it shall be in full force from and after its passage.

Upon which the ayes and noes were demanded by Messrs. Pardee, Satterwhite, and Burt, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Langford, Pardee, Rowell, Satterwhite, West, and Zuck—14.

NOES—Messrs. Burt, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Ryan, Sears, Traylor, and Watson—21.

Lost.

Mr. Langford moved to amend section three, by adding after the words "to be," in line six, of printed bill, the following: "A proper one to be formed into a drainage district, and the question of its formation shall then be submitted to a vote of the qualified electors of said territory, and if a majority of the votes so cast be for the formation of said district."

Lost.

Mr. Chase offered the following as a substitute for section twenty-nine:

SECTION 29. This Act shall not go into effect until the Attorney-General shall have obtained the opinion of the Supreme Court that this Act is constitutional, and he is hereby directed to apply to the said Court for an opinion on the constitutionality of this Act.

Lost.

Mr. Glascock moved to strike out, in line five, section nineteen, the word "slickens."

Lost.

Mr. West moved to amend section twenty-four, line three, of printed bill, by striking out after the word "tax," the word "of," and insert the words "not to exceed."

Mr. Davis raised the point of order that the above amendment had been previously offered to the same line and section, and had been voted upon.

The Chair decided the point well taken.

Mr. Rowell moved a reconsideration of the vote whereby the amendment offered by Mr. West was lost.

Lost.

Mr. Rowell moved to amend by striking out section nineteen, and inserting instead :

SECTION 19. The owners or managers of all canals carrying water for mining purposes shall keep a record of every inch of water sold or used for hydraulic or other mining purposes within any drainage district formed under any of the provisions of this Act; and shall, on or before the first day of July of each year, render to the Assessor of the county in which the water was used, a verified statement of all of the water sold or used during the year. The Assessor shall enter in the duplicate assessment book provided for in this Act the total number of inches of water sold or used by each owner or manager of a canal carrying water for mining purposes, which water was sold or used within the county of which he is Assessor.

Lost.

Upon the question, "Shall the bill be read a third time?" the ayes and noes were demanded by Messrs. Glascock, Davis, and Enos, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Sears, Traylor, and Watson—22.

NOES—Messrs. Anderson, Baker, Chase, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Langford, Nye, Pardee, Rowell, Satterwhite, West, and Zuck—16.

Bill ordered to third reading.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Dickinson, the Senate took a recess.

RE-ASSEMBLED.

Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and there being no quorum present the Senate took a recess for five minutes.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty-five minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Nelson, Ryan, Satterwhite, Traylor, Watson, West, and Zuck.

Quorum present.

Assembly Concurrent Resolution No. 21 made special order for three o'clock P. M.

Mr. Zuck moved to take up Assembly messages.

Carried.

ASSEMBLY MESSAGES.

The following Assembly messages were read:

ASSEMBLY CHAMBER, SACRAMENTO, April 6th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April second, eighteen hundred and eighty, amended, and on April sixth, eighteen hundred and eighty, passed as amended, Senate Bill No. 285—An Act to amend sections seven hundred and sixty-three and nine hundred and thirty-nine of the Code of Civil Procedure, relating to proceedings in partition and appeals therefrom.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 285, above reported, taken up.

Amendments read, and concurred in by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Rowell, Ryan, Satterwhite, Traylor, West, and Zuck—28.

NOES—None.

Senate Bill No. 550—An Act to provide a Contingent Fund for the use of the Senate.

Reported from the Assembly.

Amendments read and concurred in by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Nelson, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—28.

NOES—None.

ASSEMBLY CHAMBER, SACRAMENTO, April 7th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fifth, eighteen hundred and eighty, passed Assembly Bill No. 357—An Act to amend an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities," approved April third, eighteen hundred and seventy-six.

Assembly Bill No. 368—An Act to declare the Klamath River navigable.

Also, that on April sixth, eighteen hundred and eighty, the Assembly passed Assembly Bill No. 543—An Act to define, regulate, and govern the State Prison of California.

Assembly Bill No. 580—An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty by the operation of section twelve of article thirteen of the Constitution.

Assembly Bill No. 567—An Act to amend section two hundred and ninety of the Civil Code, in regard to articles of incorporation.

Also, that on March seventeenth, eighteen hundred and eighty, the Assembly amended, and on April sixth, eighteen hundred and eighty, passed as amended, Senate Bill No. 213—An Act to amend section three hundred and fifty-eight of the Civil Code, concerning corporations.

And, on April sixth, eighteen hundred and eighty, indefinitely postponed Senate Bill No. 283—An Act to confer power upon incorporated cities and towns to remove Chinese without the limits of such cities and towns, or to provide for their location within prescribed portions of those limits.

Also, that on April seventh, eighteen hundred and eighty, the Assembly passed Senate Bill No. 275—An Act to provide for the erection of buildings and improvements for the Deaf and Dumb and Blind Asylum.

Senate Bill No. 528—An Act to amend section three thousand seven hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue.

And concurred in Senate amendments to Assembly Bill No. 320—An Act for the better protection of fruit trees and vines.

Also, that on April sixth, eighteen hundred and eighty, the Assembly amended, and on April seventh, eighteen hundred and eighty, passed as amended, Senate Bill No. 550—An Act to provide a Contingent Fund for the use of the Senate.

Senate Bill No. 221—An Act to compel railroad corporations or individuals owning railroads to operate their roads.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 357, above reported, read first time, and ordered on file for second reading.

Assembly Bill No. 368, above reported, read first time, and ordered on file for second reading.

Assembly Bill No. 543, above reported, read first time, and referred to the Committee on State Prisons.

Assembly Bill No. 580, above reported, read first time, and ordered on file for second reading.

Assembly Bill No. 567, above reported, read first time, and ordered on file for second reading.

Senate Bill No. 221, above reported, amendments read, and concurred in by the following vote:

AYES—MESSRS. Anderson, Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hudson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—28.

NOES—None.

Senate Bill No. 213, above reported, amendments read, and concurred in by the following vote:

AYES—MESSRS. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Traylor, West, and Zuck—28.

NOES—None.

ASSEMBLY CHAMBER, SACRAMENTO, April 8th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April sixth, eighteen hundred and eighty, passed Assembly Bill No. 352—An Act prohibiting any company or corporation whose business is to supply illuminating gas or water for public use, from charging their consumers for pipes communicating with such company or corporations supply pipes, or street mains, and the line of the street or sidewalk curb fronting the premises to be supplied, and there making connection with the pipe of the consumer.

Passed Assembly Bill No. 370—An Act prohibiting any company or corporation, whose business is to supply water, or illuminating gas for public use, charging their consumers for meters.

Adopted Assembly Concurrent Resolution No. 16—To appoint a joint committee to ascertain the names of corporations now employing Chinese, and to report to the Attorney-General within thirty days after their appointment, instructing the Attorney-General to prosecute such corporations.

Passed Assembly Bill No. 391—An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor.

Also, that the Assembly, on April seventh, eighteen hundred and eighty, passed Assembly Bill No. 559—An Act to repeal an Act entitled "An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco," approved March eighteenth, eighteen hundred and seventy-four.

Passed Assembly Bill No. 589—An Act to provide for the erection of a building for the insane at the State Insane Asylum at Stockton.

April sixth, eighteen hundred and eighty, passed Assembly Bill No. 415—An Act to provide for the establishment and maintenance of a Mining Bureau.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 352, above reported, read first time, and referred to the Committee on Corporations.

Assembly Bill No. 370, above reported, read first time, and referred to the Committee on Corporations.

Assembly Concurrent Resolution No. 16, above reported, read first time, and referred to the Committee on Corporations.

Assembly Bill No. 391, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 559, above reported, read first time, and referred to the Committee on Finance.

NOTICE.

Mr. Sears gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate concurred in the amendments to Senate Bill No. 213.

Assembly Bill No. 589, above reported, read first time, and, on motion of Mr. Hudson, placed number seven on the second reading file.

Assembly Bill No. 415, above reported, read first time, and referred to the Committee on Mines and Mining.

ASSEMBLY CHAMBER, SACRAMENTO, April 6th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April third, eighteen hundred and eighty, passed Assembly Bill No. 489—An Act to amend sections one thousand nine hundred and seventeen, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty-one, one thousand nine hundred and fifty-five, one thousand nine hundred and sixty, one thousand nine hundred and seventy-three, one thousand nine hundred and seventy-four, one thousand nine hundred and seventy-five, one thousand nine hundred and eighty-two, one thousand nine hundred and eighty-six, one thousand nine hundred and ninety, one thousand nine hundred and ninety-two, two thousand and twenty-two, two thousand and twenty-eight, two thousand and thirty-nine, two thousand and fifty-nine, two thousand and ninety-five, two thousand and ninety-nine, two thousand and seventy-seven, one thousand nine hundred and forty-two, one thousand nine hundred and seventy, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-five, two thousand and ninety-four, and two thousand one hundred and fourteen, of the Political Code of California, to repeal section one thousand nine hundred and seventy-five of said Code, approved March thirtieth, eighteen hundred and seventy-eight, and section one thousand nine hundred and ninety-one of said Code, and to add a new section to said Code, to be known and numbered as section one thousand nine hundred and seventy-seven, relating to the State militia.

Also, that the Assembly, on April fifth, eighteen hundred and eighty, indefinitely postponed Senate Bill No. 94—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, relating to ministerial officers of the Supreme Court.

Passed Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

Passed Assembly Bill No. 323—An Act to amend sections one thousand and forty-one, one thousand and fifty-three, one thousand and fifty-five, one thousand and eighty-three, one thousand and eighty-four, one thousand and ninety-seven, one thousand one hundred and six, one thousand one hundred and eight, one thousand one hundred and nine, one thousand one hundred and thirteen, one thousand one hundred and thirty, one thousand one hundred and forty-seven, one thousand two hundred and twenty-eight, one thousand two hundred and thirty, one thousand two hundred and thirty-two, one thousand two hundred and thirty-three, one thousand two hundred and thirty-five, one thousand two hundred and thirty-six, one thousand two hundred and thirty-seven, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-eight, one thousand two hundred and ninety, one thousand three hundred and ten, one thousand three hundred and eleven, and one thousand three hundred and forty-three, of the Political Code, relating to elections, and to repeal section one thousand and forty-two of said Code.

Passed Assembly Bill No. 266—An Act to amend an Act entitled "An Act to organize Levee District Number One, of Sacramento County, and to provide for its government," approved March thirtieth, eighteen hundred and seventy-eight.

Adopted Assembly Joint Resolution No. 11—Asking Congressional aid in behalf of a large number of settlers upon government land in what is known as the "Mussel Slough District," in Tulare County, California.

And passed Assembly Bill No. 577—An Act to provide for the payment of the salaries and traveling expenses of the State Board of Equalization, and the Clerk thereof, and for postage and contingent expenses of said Board for the thirty-first fiscal year ending June thirtieth, eighteen hundred and eighty.

Also, that on April second, eighteen hundred and eighty, the Assembly amended, and on April sixth, eighteen hundred and eighty, passed Senate Bill No. 475—An Act to provide for the management of the "Yosemite Valley and the Mariposa Big Tree Grove."

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 489, above reported, read first time.

Mr. Dickinson moved that it take the place of Senate Bill No. 154 on the file, and that Senate Bill No. 154 be placed at the foot of the second reading file.

Carried.

Assembly Bill No. 323, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 260, above reported, read first time, and ordered number eight on second reading file.

Assembly Joint Resolution No. 11, above reported, read first time, and ordered on the second reading file.

Assembly Bill No. 577, above reported, read first time, and ordered number ten on the second reading file.

ASSEMBLY CHAMBER, SACRAMENTO, April 8th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April eighth, eighteen hundred and eighty, passed Assembly Bill No. 324—An Act to amend section four thousand and twenty-six of the Political Code, relative to filling vacancies in Boards of Supervisors.

Senate Bill No. 226—An Act to amend section one thousand five hundred and eighty-six of the Penal Code, relating to the transportation of convicts to the State Prisons.

Senate Bill No. 227—An Act to amend section two thousand two hundred and twenty-one of the Political Code, relating to transportation of insane persons to Asylums.

Senate Bill No. 311—An Act to appropriate money to the California Artificial Stone Paving Company, to pay the balance due the company for laying down the stone walks and avenues about the Capitol grounds.

Senate Bill No. 304—An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San Francisco, approved March ninth, eighteen hundred and seventy.

Senate Bill No. 96—An Act to amend sections one and two of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March thirtieth, eighteen hundred and seventy-eight.

Senate Bill No. 408—An Act to amend section ten of the Political Code, defining legal holidays.

Senate Bill No. 409—An Act to amend section seven of the Civil Code, defining legal holidays.

Senate Bill No. 410—An Act to amend section ten of the Code of Civil Procedure, defining legal holidays.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 324, above reported, read first time, and ordered number nine on the second reading file, to take the place of Senate Bill No. 425, and Senate Bill No. 425 ordered at the foot of the second reading file.

REPORTS OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney:

SENATE CHAMBER, SACRAMENTO, April 8th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: No. 495—An Act to add a new section to the Political Code, to be known as section four thousand three hundred and thirty, creating a Salary Fund.

No. 496—An Act to add a new section to the Political Code, to be known as section four thousand three hundred and twenty-nine, relating to the compensation of Justices of the Peace.

No. 442—An Act to provide for the payment of the amount of interest due to Hastings College of the Law.

No. 474—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, relating to Administrators.

No. 490—An Act to amend section seven hundred and ninety-three of the Civil Code, relating to actions for possession of real property in certain cases.

No. 491—An Act to amend section seventy-eight of the Civil Code, relating to actions to determine and declare the validity of marriages in certain cases.

No. 492—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a Trustee may be discharged from his trust.

No. 502—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors.

No. 504—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

No. 297—An Act to amend sections three thousand four hundred and fifty two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-six, three thousand four hundred and seventy-one, and three thousand four hundred and eighty-one, of the Political Code.

No. 181—An Act to amend sections three hundred and twenty-nine, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight, of the Code of Civil Procedure, relating to the venue in civil actions.

No. 519—An Act appropriating one hundred dollars per month for the purpose of procuring suitable rooms for Hastings College of the Law.

CHENEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: No. 407—An Act to empower the Board of State Harbor Commissioners to adjust, audit, and pay the claim of W. H. Martin & Company.

No. 284—An Act to amend an Act entitled an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons.

No. 454—An Act to provide for a Commission to inquire as to the need of a State school for weak-minded children.

No. 123—An Act to amend section one thousand two hundred and eighty-one of the Political Code.

No. 243—An Act to amend sections three thousand four hundred and ninety-five and three thousand four hundred and ninety-eight of the Political Code, relating to affidavits of applicants to purchase portions of sixteenth and thirty-sixth sections.

No. 387—An Act to amend section three hundred and ninety-seven of the Penal Code, relating to the sale of intoxicating liquors to drunkards or Indians, and to repeal an Act entitled "An Act to prevent the sale of intoxicating liquors to minors," approved March fourth, eighteen hundred and seventy-two.

No. 500—An Act to provide for the future management of the Insane Asylums of the State.

No. 482—An Act for the better preservation of fish, by providing and maintaining fish screens at the heads of mining and irrigating ditches.

No. 180—An Act to amend section six hundred and twenty-eight of the Penal Code, relative to the destruction of deer, antelope, elk, and other animals.

No. 21—An Act to amend section four thousand two hundred and four of the Political Code.

No. 185—An Act to amend sections four thousand two hundred and fifteen and four thousand two hundred and sixteen of the Political Code, relating to the duties of Auditors.

No. 538—An Act to amend section four hundred and fifty-six of the Civil Code, relating to the debts of railroad corporations, and securities therefor, and sales of the property of said corporations.

No. 376—An Act to add a new section to the Political Code, to be known as section four thousand and forty-eight, providing for the redemption of county bonds in certain cases.

No. 494—An Act to amend sections four thousand two hundred and four and four thousand and twenty-five, and to repeal section four thousand one hundred and eleven of the Political Code, relating to the election and term of office of Supervisors.

Senate Concurrent Resolution No. 19—Relative to establishing closer commercial intercourse, by treaties, with Mexico, Guatemala, Costa Rica, San Salvador, Honduras, and Nicaragua.

CHENEY, Chairman.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, April 8th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bill No. 39, and the same has this day been placed in the hands of the Governor, at ten o'clock and twenty minutes A. M.

HUDSON, Chairman.

On motion of Mr. Hittell, the Engrossing Committee were instructed to correct a clerical error in Senate Bill No. 421, by making the word

written "salable" in the engrossed bill to read "valuable," as in the original bill and printed copy.

By Mr. Baker (by leave):

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 277—An Act making appropriation for deficiency in the appropriation for the permanent improvement of the State Capitol grounds lying east of the State Capitol building, beg leave to report the same back, with the recommendation that it do pass.

BAKER, Chairman.

SPECIAL ORDER.

Assembly Concurrent Resolution No. 21—Relative to the adjournment *sine die* of the Twenty-third Session of the Legislature of California.

Read second time.

Mr. Davis moved to amend by striking out the word "thirteenth," and the letters "P. M.," and insert in place thereof the word "seventeenth," and the letter "M."

Upon which the ayes and noes were demanded by Messrs. Burt, Enos, and Davis, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Hittell, Hudson, Lampson, Neumann, Nye, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—21.

NOES—Messrs. Anderson, Burt, Chase, Enos, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Pardee, Pool, and Satterwhite—17.

Adopted.

The question now recurred upon the adoption of the resolution as amended.

Upon which the ayes and noes were demanded by Messrs. Enos, Pardee, and Watson, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Hittell, Hudson, Lampson, Neumann, Nye, Ryan, Sears, Traylor, Watson, West, and Zuck—19.

NOES—Messrs. Anderson, Burt, Chase, Conger, Enos, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Pardee, Pool, Rowell, and Satterwhite—19.

There being a tie vote, the Chair voted "no," and declared the resolution lost.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Concurrent Resolution No. 11 was lost.

Mr. Sears moved that the Senate take up the third reading file.

Upon which the ayes and noes were demanded by Messrs. Burt, Sears, and Johnston, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Chase, Davis, Gorman, Hittell, Hudson, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Rowell, Ryan, Sears, Watson, West, and Zuck—20.

NOES—Messrs. Brown, Carlock, Cheney, Dickinson, George, Glascock, Hill, Johnson, Johnston, Pardee, Pool, Satterwhite, and Traylor—13.

Lost.

SECOND READING FILE.

Assembly Bill No. 354—An Act to provide for the protection of lands from overflow other than lands recognized as swamp lands.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered on file for third reading.

On motion of Mr. Davis, the third reading of Assembly Bill No. 354 was made the special order for Saturday, at three o'clock p. m.

SPECIAL ORDER FOR THREE O'CLOCK P. M.

Consideration of motion of Mr. Johnston to reconsider passage, April sixth, of Senate Bill No. 526.

On motion of Mr. Johnston, continued until same hour to-morrow.

Assembly Bill No. 472—An Act to encourage the mining industry and to suppress stock gambling.

Mr. Dickinson moved that Assembly Bill No. 472 be considered as in Senate.

Carried.

Upon the adoption of committee amendment to section five, the ayes and noes were demanded by Messrs. Satterwhite, Enos, and Johnson, with the following result:

AYES—Messrs. Carlock, Dickinson, George, Hittell, Lampson, Ryan, Sears, Traylor, and Watson—9.

NOES—Messrs. Anderson, Baker, Byrnes, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Satterwhite, West, and Zuck—25.

Lost.

Mr. Neumann gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate refused to adopt committee amendment to section five.

Upon the adoption of committee amendment to section one, the ayes and noes were demanded by Messrs. Johnson, Conger, and Anderson, with the following result:

AYES—Messrs. Burt, Davis, Dickinson, George, Hittell, Hudson, Lampson, Neumann, Rowell, Sears, Traylor, and Watson—12.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Langford, Moreland, Pardee, Ryan, Satterwhite, West, and Zuck—23.

Lost.

Mr. Neumann, by leave, withdrew his notice of reconsideration of the vote whereby the Senate refused to pass committee amendment to section five.

Upon the adoption of the committee amendment to section six, the ayes and noes were demanded by Messrs. Johnson, Enos, and Watson, with the following result:

AYES—Messrs. Baker, Byrnes, Dickinson, George, Hittell, Hudson, Johnston, Kelly, Lampson, Nelson, Neumann, Ryan, Sears, Traylor, and Watson—15.

NOES—Messrs. Anderson, Brown, Carlock, Chase, Davis, Glascock, Gorman, Harlan, Hill, Johnson, Langford, Moreland, Nye, Pardee, Rowell, Satterwhite, West, and Zuck—18.

Lost.

Mr. Sears moved to strike out all of section eight.

Upon which the ayes and noes were demanded by Messrs. Neumann, Dickinson, and Hill, with the following result:

AYES—Messrs. Byrnes, Cheney, Conger, Dickinson, Hittell, Lampson, Nelson, Nye, Sears, Traylor, and Watson—11.

NOES—Messrs. Anderson, Baker, Burt, Brown, Davis, Enos, George, Gorman, Hill, Johnston, Langford, Moreland, Pardee, Pool, Ryan, Satterwhite, West, and Zuck—18.

Mr. Neumann announced that he was paired with Mr. Johnson, he voting "aye," and Mr. Johnson voting "no."

RECESS.

At five o'clock and two minutes P. M., on motion of Mr. Zuck, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Traylor moved to take up Assembly Bill No. 374, on second reading file, out of order.

Upon which the ayes and noes were demanded by Messrs. Enos, Burt, and Johnson, with the following result:

AYES—Messrs. Anderson, Cheney, Davis, Dickinson, Hittell, Hudson, Johnson, Lampson, Langford, Moreland, Neumann, Satterwhite, Sears, Traylor, and Watson—15.

NOES—Messrs. Baker, Burt, Chase, Conger, Enos, George, Glascock, Gorman, Hill, Kelly, Nye, Pardee, Ryan, and Zuck—14.

Lost.

THIRD READING FILE.

Senate Bills Nos. 316 and 393 passed on file.

Senate Bill No. 378—An Act to amend section four hundred and fifty, and to repeal sections four hundred and fifty-one and four hundred and fifty-two of the Civil Code of California, relating to life insurance.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hittell, Hudson, Johnson, Lampson, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—25.

NOES—Messrs. Brown, Cheney, Hill, Kelly, and Moreland—5.

Title read and approved.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 378 was passed.

Senate Bill No. 97—An Act to amend section four thousand two hundred and twenty-one of the Political Code, relating to the counting of money in the county treasury.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—31.

NOES—None.

Title read and approved.

Senate Bill No. 497—An Act to amend section four thousand and seventy-two of the Political Code, relating to the presentation of claims against counties.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Howell, Harrison, Johnson, Kelly, Lampson, Langford, Marshall, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—35.

NOES—None.

Title read and approved.

Senate Bill No. 493—An Act to amend section four thousand and seventy of the Political Code, forbidding Supervisors to allow claims or contract debts in certain cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Howell, Harrison, Johnson, Kelly, Lampson, Langford, Marshall, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and West—33.

NOES—None.

Title read and approved.

Senate Bill No. 266—An Act to amend section six hundred and eleven of the Civil Code, relating to cemetery corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Howell, Harrison, Johnson, Kelly, Lampson, Marshall, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—2.

NOES—Messrs. Rowell and Zuck—2.

Title read and approved.

Senate Bill No. 427—An Act to authorize Boards of Supervisors to pay the expenses of posse comitatus in criminal cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Harrison, Johnson, Johnston, Kelly, Marshall, Nelson, Pardee, Ryan, Satterwhite, Sears, and Watson—24.

NOES—Messrs. Baker, Glascock, Hill, Howell, Lampson, Neumann, Nye, Rowell, Traylor, and Zuck—10.

Title read and approved.

Senate Bill No. 445—An Act to add a new section to the Political Code, to be known as section three thousand four hundred and ninety-one, relating to individual reclamation of swamp lands in certain cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Howell, Harrison, Johnson, Johnston, Kelly, Lampson, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, and Zuck—29.

NOES—Messrs. Davis, George, Neumann, and Watson—4.

Title read and approved.

Senate Bill No. 472—An Act to amend section three thousand four hundred and forty-six of the Political Code.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—32.
 NOES—None.

Title read and approved.

Senate Bill No. 166 passed on file.

Mr. Johnson withdrew his notice to reconsider Senate Bill No. 378.

Senate Concurrent Resolution No. 21—Relative to United States money, and national banks.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Rowell, Ryan, Satterwhite, and West—24.

NOES—Messrs. George, Hittell, Neumann, Nye, Pool, Sears, Traylor, and Watson—8.

Title read and approved.

Senate Bill No. 166—An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Taken up.

Read third time, and not receiving the constitutional majority required was declared lost by the following vote:

AYES—Messrs. Anderson, Burt, Enos, Glascock, Gorman, Hill, Kelly, Langford, Moreland, Pool, Ryan, Satterwhite, Sears, West, and Zuck—15.

NOES—Messrs. Baker, Chase, Conger, Dickinson, George, Harlan, Hittell, Hudson, Johnson, Johnston, Lampson, Nelson, Neumann, Nye, Pardee, Rowell, and Traylor—17.

Senate Joint Resolution No. 5—Relative to procuring the removal by Congress of the duty on printing paper and on materials used in the manufacture of the same.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—29.

NOES—Mr. Gorman—1.

Title read and approved.

Senate Concurrent Resolution No. 26—Relative to pensions to Mexican war veterans.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—31.

NOES—Mr. Ryan—1.

Title read and approved.

Senate Joint Resolution No. 6—Relative to memorializing Congress to grant certain funds to the State of California.

Read third time.

By unanimous consent the Secretary was authorized to change the word "States" to "sales."

The bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—32.

NOES—None.

Title read and approved.

Mr. Enos, by leave, introduced the following report:

SENATE CHAMBER, SACRAMENTO, April 8th, 1880.

MR. PRESIDENT: Your Committee of Investigation, appointed to ascertain the truth of the statement of Senator Kane, relating to an attempt to bribe him, respectfully report that Senator Kane persists in refusing to state the name of the person who he alleges attempted to bribe him, and that they are unable to ascertain the name and identity of such person; that Senator Kane by such refusal is guilty of contempt of the Senate, and has made himself amenable to prosecution for compounding a felony, and that they recommend that Senator Kane be expelled for such contempt or punished in such manner as may seem best to the Senate.

JOHN E. ENOS,
PAUL NEUMANN,
E. H. PARDEE.

Mr. Satterwhite moved that the consideration of the report be made the special order for next Saturday morning, immediately after the reading of the Journal.

Mr. West moved, as an amendment, that the report be made the special order for to-morrow evening at seven o'clock and thirty minutes p. m., and that the Secretary notify Mr. Kane as to the action of the Senate.

Carried.

ADJOURNMENT.

At nine o'clock and twenty minutes p. m. Mr. Pardee moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Burt, and Sears, with the following result:

AYES—Messrs. Baker, Brown, Enos, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, West, and Zuck—21.

NOES—Messrs. Anderson, Burt, Chase, Conger, Davis, Dickinson, Hill, Nelson, Nye, Rowell, Sears, and Watson—12.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, April 9th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

The following dispatch was read by the President of the Senate:

BRIDGEPORT, MONO COUNTY, April 8th, 1880.

President of the Senate:

An additional Judge for Mono County, to hold Court at Bodie, is an absolute necessity.

R. M. BRIGGS, Superior Judge, Mono County.

PETITIONS.

By Mr. Langford—Three petitions from citizens of the State in relation to certain land patents.

Referred to the Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES. *

By Mr. Neumann:

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 553, beg leave to report that they have had the same under consideration, and report the same back, with the recommendation that it be indefinitely postponed, for the reason that the principles of the bill are incorporated in Assembly Bill No. 519.

NEUMANN, Chairman.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, April 7th, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Senate Bill No. 10—An Act to regulate the salaries of officers in cities, and cities and counties containing one hundred thousand inhabitants and upward—have had the same under consideration, and report the same back to the Senate, and recommend that the author be allowed to withdraw it; otherwise that it be indefinitely postponed. The subject of salaries of the officers referred to has been covered by Senate Bill No. 362.

HITTELL, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 7th, 1880.

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Senate Bill No. 272—An Act reducing fees for the commencement of actions in Justices' Courts in the City and County of San Francisco—have had the same under consideration, and report the same back, and recommend that the author be allowed to withdraw; otherwise they recommend its indefinite postponement.

Also, Senate Bill No. 418—An Act to regulate the bonds of the Treasurers of counties, cities and counties, incorporated cities, or of any incorporated city and county in this State—and recommend, in like manner, that the author be allowed to withdraw it; otherwise that it be indefinitely postponed.

Also, Senate Bill No. 375—An Act to provide for the payment of certain claims against the City of Eureka—and recommend, in like manner, that the author be allowed to withdraw it; otherwise that it be indefinitely postponed.

Also, Assembly Bill No. 286—An Act relating to the acts and doings of Boards of Supervisors in cities and counties, and towns, containing more than one hundred thousand inhabitants—and recommend its indefinite postponement.

HITTELL, Chairman.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, April 9th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 50—An Act to add a new section, to be known as section seven hundred and ninety-six, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to local jurisdiction of prosecutions for libel—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Bill No. 223—An Act to amend section one thousand one hundred and ninety-one of the Penal Code, relative to judgment and execution—report the same back, and recommend its passage.

Also, Assembly Bill No. 214—An Act to amend an Act entitled "An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto," approved March eighteenth, eighteen hundred and seventy-four—report the same back without recommendation.

NYE, Chairman.

By Mr. Rowell:

MR. PRESIDENT: Your Committee on Town and County Governments, to whom was referred Senate Bill No. 547, herewith report the same back to the Senate without recommendation.

ROWELL, for the Chairman.

REPORT OF A SPECIAL COMMITTEE.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, April 9th, 1880.

MR. PRESIDENT: Your Conference Committee, appointed to confer with a like committee appointed by the Assembly on points of difference relating to amendments to Senate Bill No. 174, respectfully recommend that the Assembly recede from its amendment number ten.

THEODORE H. HITTELL,
GROVE L. JOHNSON,
STEPHEN G. NYE,
Senate Committee.

CHAS. N. FOX,
R. F. DEL VALLE,
L. J. HARDY, Jr.,
Assembly Committee.

Above report adopted.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were read:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, April 6th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 23—An Act to amend sections eighty-six, eighty-nine, two hundred and twenty-eight, five hundred and four, and five hundred and fourteen of the Penal Code, relating to crimes and punishments.

Also, Senate Bill No. 191—An Act to repeal an Act entitled "An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government," approved April first, eighteen hundred and seventy-eight.

Also, Senate Bill No. 234—An Act to add a new section to the Penal Code, to be known as section one hundred and eleven, relating to costs in certain criminal actions.

GEO. C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, April 7th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 399—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-five, one thousand five hundred and forty-six, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-one, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred, one thousand six hundred and eleven, one thousand six hundred and sixteen, one thousand six hundred and seventeen, one thousand six hundred and nineteen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and twenty-four, one thousand six hundred and sixty-two, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand six hundred and ninety-six, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and fifteen, one thousand seven hundred and sixty-eight, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand eight hundred and seventeen, one thousand eight hundred and eighteen, one thousand eight hundred and thirty,

one thousand eight hundred and thirty-three, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-four, and to repeal sections one thousand five hundred and fifty-one (*b*), one thousand six hundred and fifty-two, one thousand six hundred and sixty-nine, one thousand six hundred and seventy, one thousand six hundred and seventy-one, one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, one thousand seven hundred and forty-six, one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, one thousand seven hundred and fifty-two, one thousand seven hundred and fifty-three, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-eight, one thousand seven hundred and seventy-seven, one thousand seven hundred and ninety-three, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight, one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, and one thousand eight hundred and seventy-two, of the Political Code, and to add five new sections thereto, to be known as sections one thousand five hundred and sixty-five, one thousand five hundred and eighty-three, one thousand seven hundred and three, one thousand seven hundred and four, and one thousand eight hundred and seventy-nine, relating to public schools.

GEO. C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 8th, 1880.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed John F. Kessing, of San Francisco, Inspector of Gas Meters, vice George, term expired; and Oliver Eldridge, of San Francisco, Pilot Commissioner for the Ports of San Francisco, Mare Island, and Benicia, vice Gallup, term expired; and respectfully ask your honorable body to confirm the same.

GEO. C. PERKINS, Governor.

Mr. Neumann moved that the confirmation of the Governor's nominations be made the special order for to-morrow, at one o'clock and thirty minutes P. M.

Carried.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, April 9th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 39—An Act to amend sections six hundred and eighty-two, seven hundred and eighty-four, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-two, eight hundred, eight hundred and one, eight hundred and two, eight hundred and six, eight hundred and eighty-eight, nine hundred and forty-nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, nine hundred and fifty-five, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and fifty-nine, nine hundred and sixty, nine hundred and sixty-one, nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, nine hundred and sixty-eight, nine hundred and seventy, nine hundred and seventy-one, nine hundred and seventy-two, nine hundred and seventy-six, nine hundred and seventy-seven, nine hundred and eighty-one, nine hundred and eighty-two, nine hundred and eighty-five, nine hundred and eighty-eight, nine hundred and eighty-nine, nine hundred and ninety, nine hundred and ninety-six, nine hundred and ninety-seven, nine hundred and ninety-eight, nine hundred and ninety-nine, one thousand and four, one thousand and five, one thousand and eight, one thousand and nine, one thousand and twelve, one thousand and eighteen, one thousand and nineteen, one thousand and twenty-one, one thousand and twenty-two, one thousand and twenty-four, one thousand and thirty-three, one thousand and forty-three, one thousand and forty-seven, one thousand and forty-eight, one thousand and fifty-two, one thousand and sixty-five, one thousand and seventy-four, one thousand and ninety-three, one thousand and ninety-five, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand one hundred and three, one thousand one hundred and four, one thousand one hundred and thirteen, one thousand one

hundred and fourteen, one thousand one hundred and fifteen, one thousand one hundred and seventeen, one thousand one hundred and twenty-one, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, one thousand one hundred and thirty-one, one thousand one hundred and forty-one, one thousand one hundred and forty-eight, one thousand one hundred and fifty, one thousand one hundred and fifty-eight, one thousand one hundred and fifty-nine, one thousand one hundred and sixty, one thousand one hundred and sixty-five, one thousand one hundred and seventy, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand two hundred, one thousand two hundred and seven, one thousand two hundred and thirty-eight, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-nine, one thousand three hundred and ten, one thousand three hundred and twenty-six, one thousand three hundred and thirty-five, one thousand three hundred and forty-six, one thousand three hundred and forty-nine, one thousand three hundred and fifty-four, one thousand three hundred and fifty-eight, one thousand three hundred and sixty-eight, one thousand three hundred and seventy, one thousand three hundred and seventy-three, one thousand three hundred and eighty-two, one thousand three hundred and eighty-three, one thousand three hundred and ninety-five, one thousand three hundred and ninety-six, one thousand four hundred and one, one thousand four hundred and twenty-nine, and to repeal sections nine hundred and sixty-nine and one thousand and twenty-five of the Penal Code, and to add a new section thereto, to be known as section eight hundred and nine, to provide for prosecutions by information, and to adapt the provisions of said Code thereto.

GEO. C. PERKINS, Governor.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 8th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fifth, eighteen hundred and eighty, amended, and on April eighth, eighteen hundred and eighty, passed as amended, Senate Bill No. 366—An Act to amend section six hundred and seven of the Penal Code, relating to malicious mischief.

April eighth, eighteen hundred and eighty, passed Senate Bill No. 84—An Act to organize and define the powers of the Board of Railroad Commissioners.

Senate Bill No. 264—An Act to add a new section to the Penal Code, to be known as section three hundred and nine, to prevent the admission of minors to houses of prostitution.

J. M. WRIGHT, Assistant Clerk.

Amendments to Senate Bill No. 366 read, and concurred in by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—28.

NOES—Mr. Brown—1.

ASSEMBLY CHAMBER, SACRAMENTO, April 8th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April third, eighteen hundred and eighty, adopted Assembly Joint Resolution No. 22—Relative to the occupation of public lands by Indians.

J. M. WRIGHT, Assistant Clerk.

Assembly Joint Resolution No. 22, above reported, read first time, and ordered on the second reading file.

By Mr. Johnson (by leave):

SENATE CHAMBER, SACRAMENTO, April 9th, 1880.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, and Drainage, to whom was referred Assembly Bill No. 175—Relating to homestead corporations possessed of water rights, etc.—herewith report the same back to the Senate without recommendation.

JOHNSON, Chairman.

AMENDMENT TO THE RULES.

By Mr. Baker (by leave):

A new rule is hereby added to the Standing Rules of the Senate, to be known as Rule Fifty-two, and to read as follows:

All motions to take up bills out of their regular order, or to change the regular order of business, shall be decided without debate.

Ordered to lay over for one day.

SECOND READING FILE.

Assembly Bill No. 472—An Act to encourage the mining industry, and to suppress stock gambling.

Committee amendment to section nine lost.

Committee amendment to section ten lost.

Committee amendment to section thirteen lost.

Committee amendment to section fourteen lost.

Committee amendment to section fifteen lost.

Committee amendment to section sixteen lost.

Committee amendment to section seventeen lost.

Committee amendment to section eighteen lost.

Committee amendment to section nineteen lost.

Committee amendment to section twenty lost.

Committee amendment to section twenty-one lost.

Committee amendments to section twenty-two lost.

Committee amendment to section twenty-three lost.

Committee amendment to section twenty-four lost.

Committee amendment to section twenty-five lost.

Committee amendment to section twenty-six lost.

Committee amendment to section twenty-seven lost.

Mr. Zuck moved to amend as follows: Whenever the words "section thirty" appear in the bill strike out and insert the words "section twenty-eight."

Upon which the ayes and noes were demanded by Messrs. Zuck, Hill, and Enos, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glaseock, Gorman, Harlan, Hill, Hudson, Johnson, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, West, and Zuck—25.

NOES—Messrs. Brown, Dickinson, Hittell, Johnston, Kelly, Lampson, Neumann, and Pardee—8.

Adopted.

Mr. Moreland moved to amend by striking out the word "three," where it occurs in sections four, five, and six, and inserting the words "twenty-eight."

Adopted.

Mr. Sears offered an amendment, adding a new section, which the Chair ruled out of order.

Mr. Neumann moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Zuck, Sears, and Enos, with the following result:

AYES—Messrs. Chase, Cheney, Conger, Dickinson, George, Hittell, Hudson, Kelly, Neumann, Sears, Traylor, and Watson—12.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Enos, Glaseock, Gorman, Harlan, Hill, Johnson, Johnston, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, West, and Zuck—24.

Lost.

Upon the question, "Shall the bill be read a third time?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Davis, Enos, Glascock, Gorman, Harlan, Hill, Johnson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, West, and Zuck—22.

NOES—Messrs. Byrnes, Chase, Cheney, Conger, Dickinson, George, Hittell, Johnston, Kelly, Lampson, Neumann, Sears, Traylor, and Watson—14.

Ordered on file for third reading.

Pursuant to notice given by him yesterday, Mr. Johnson now moved a reconsideration of the vote whereby the Senate refused to adopt Assembly Concurrent Resolution No. 21.

Upon which the ayes and noes were demanded by Messrs. Hill, Zuck, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—32.

NOES—Messrs. Burt, Brown, and Neumann—3.

Motion to reconsider carried.

Assembly Concurrent Resolution No. 21—Relative to the adjournment *sine die* of the Twenty-third Session of the Legislature of California.

Mr. Lampson moved to amend Assembly Concurrent Resolution No. 21 as follows: Insert "fifteenth p. m." instead of the "seventeenth m."

Upon the adoption of which the ayes and noes were demanded by Messrs. Lampson, Enos, and Hill, with the following result:

AYES—Messrs. Anderson, Baker, Chase, Cheney, Conger, George, Glascock, Harlan, Lampson, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, West, and Zuck—17.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Davis, Dickinson, Enos, Gorman, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Pool, Sears, Traylor, and Watson—20.

Lost.

Upon the adoption of the resolution as amended, the ayes and noes were demanded by Messrs. Enos, Johnson, and Dickinson, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hittell, Johnson, Johnston, Lampson, Neumann, Nye, Rowell, Ryan, Satterwhite, Sears, Traylor, and Watson—22.

NOES—Messrs. Anderson, Burt, Enos, Glascock, Gorman, Harlan, Hill, Kelly, Langford, Moreland, Nelson, Pardee, Pool, West, and Zuck—15.

Adopted.

SECOND READING FILE—RESUMED.

Mr. Dickinson moved that Assembly Bill No. 551 be referred to the Committee on Finance.

Upon which the ayes and noes were demanded by Messrs. Dickinson, Zuck, and Enos, with the following result:

AYES—Messrs. Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Johnson, Johnston, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—22.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Glascock, Gorman, Harlan, Hill, Lampson, Langford, Moreland, Nye, Rowell, West, and Zuck—15.

Carried.

Mr. Zuck moved that the committee be instructed to report back Assembly Bill No. 551 to-morrow morning.

Upon which the ayes and noes were demanded by Messrs. Zuck, Enos, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Glasecock, Gorman, Harlan, Hill, Lampson, Langford, Moreland, Nye, Rowell, West, and Zuck—15.

NOES—Messrs. Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Johnson, Johnston, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—22.

Lost.

Assembly Concurrent Resolution No. 23—Relative to the establishment of a quarantine station on Angel Island.

Read second time, and ordered on the general file for third reading.

Senate Bill No. 134 temporarily passed on the file.

Assembly Bill No. 489—An Act to amend sections one thousand nine hundred and seventeen, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty-one, one thousand nine hundred and fifty-five, one thousand nine hundred and sixty, one thousand nine hundred and seventy-three, one thousand nine hundred and seventy-four, one thousand nine hundred and seventy-five, one thousand nine hundred and eighty-two, one thousand nine hundred and eighty-six, one thousand nine hundred and ninety, one thousand nine hundred and ninety-two, two thousand and twenty-two, two thousand and twenty-eight, two thousand and thirty-nine, two thousand and fifty-nine, two thousand and ninety-five, two thousand and ninety-nine, two thousand and seventy-seven, one thousand nine hundred and forty-two, one thousand nine hundred and seventy, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-five, two thousand and ninety-four, and two thousand one hundred and fourteen of the Political Code of California, to repeal section one thousand nine hundred and seventy-five of said Code, approved March thirtieth, eighteen hundred and seventy-eight, and section one thousand nine hundred and ninety-one of said Code, and to add a new section to said Code, to be known and numbered as section one thousand nine hundred and seventy-seven, relating to the State militia.

Read second time.

RECESS.

During the consideration of the same, the hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Neumann, by leave, introduced the following report:

MR. PRESIDENT: Your Committee on Elections beg leave to report the following resolution:

Resolved, That the question of eligibility of Senators elected to this Senate be referred to the Judiciary Committee for its opinion whether their eligibility depends upon the provisions of the present Constitution or the old Constitution.

NEUMANN, Chairman.

Report adopted.

RESOLUTION.

By Mr. Carlock (by leave):

Resolved, That the Clerk to the Committee on Fisheries and Game be and he is hereby allowed the sum of seventy-five dollars for services rendered the committee from February nineteenth to the end of the session, payable out of the Contingent Fund of the Senate.

Read, and referred to the Committee on Contingent Expenses and Mileage.

Mr. Johnson moved that Assembly Bill No. 334 be taken up out of order.

Upon which the ayes and noes were demanded by Messrs. Johnson, Glascock, and Gorman, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Davis, Dickinson, Enos, Hudson, Johnson, Johnston, Kelly, Moreland, Neumann, Pool, Ryan, Sears, Traylor, Watson, and West—21.

NOES—Messrs. Glascock, Gorman, Harlan, Hill, Hittell, Nye, Pardee, Rowell, and Satterwhite—9.

Carried.

THIRD READING FILE.

Assembly Bill No. 334—An Act to promote drainage.

Read third time.

During the consideration of the bill, the hour for the special order set for three o'clock having expired, Mr. Johnson moved that the consideration of Assembly Bill No. 334 be continued until disposed of.

So ordered.

Upon the passage of the bill the roll was called, and the bill passed by the following vote:

AYES—Messrs. Baker, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Pool, Ryan, Sears, Traylor, Watson, and West—23.

NOES—Messrs. Anderson, Baker, Brown, Chase, Gorman, Harlan, Hill, Hittell, Hudson, Langford, Nye, Pardee, Rowell, Satterwhite, and Zuck—15.

Title read and approved.

Mr. Glascock gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 334 was passed.

Mr. Sears, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby the Senate concurred in the Assembly amendments to Senate Bill No. 213, and asked that the same be made the special order for to-morrow, at eleven o'clock A. M.

So ordered.

Mr. Watson moved that the Engrossing Clerk be authorized to correct a clerical error in section fifty-three, line fourteen, Senate Bill No. 21.

Carried.

Mr. Traylor moved that Assembly Bill No. 374 be taken up out of order.

Carried.

Assembly Bill No. 374—An Act for the promotion of the viticultural industries of this State.

Read second time, and ordered on the third reading file.

Mr. Davis moved that Assembly Bill No. 580 be taken up out of order.

Carried.

Assembly Bill No. 580—An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty, by the operation of section twelve of article thirteen of the Constitution.

Read second time, and ordered on the general file for third reading.

The following dispatch was received by the President:

BODIE, CALIFORNIA, April 9th, 1880.

To the President of Senate:

Seven-eighths of the voters of Mono, without regard to party, demand passage of additional Judge bill as an absolutely necessary measure. Our business is seriously, almost fatally, prejudiced under present system. The bill is our only relief. It is not job. The undersigned are the only members of County Committees in Bodie. Mr. Richardson representing Bodie in Sacramento is Republican Chairman. We beg that this dispatch be laid before the Senate.

W. L. WITHROW,
W. C. LOVE, Secretary,
JOSEPH McDOIMOTT,
Democratic County Committee.

S. B. BURKHAM, President,
HUGH GORMAN, Secretary,
Workingmen.

Consideration of Assembly Bill No. 489 resumed.

Senate considered as in Committee of the Whole, and bill ordered on the general file for third reading.

Mr. West moved to take up Senate Bill No. 476 out of order.

Carried.

Senate Bill No. 476—An Act to provide for funding the indebtedness of cities having a population exceeding seven thousand inhabitants and not exceeding one hundred thousand.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

Mr. Johnston moved to take up out of order Assembly Bill No. 277.

Mr. Hill moved as an amendment that each Senator be allowed to call up one bill each in alphabetical order.

Lost.

Upon the motion to take up Assembly Bill No. 277 out of order, the ayes and noes were demanded by Messrs. Johnston, Conger, and Kelly, with the following result:

AYES—Messrs. Anderson, Byrnes, Cheney, Conger, Davis, George, Harlan, Hill, Johnston, Kelly, Lampson, Moreland, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and West—20.

NOES—Messrs. Baker, Burt, Brown, Gorman, Hudson, Langford, and Nye—7.

Carried.

Assembly Bill No. 277—An Act making appropriation for deficiency in the appropriation for the permanent improvement of the State Capitol grounds lying east of the State Capitol building.

Read second time, and ordered on general file.

Mr. Lampson moved to take up Senate Bill No. 515 out of order.

RECESS.

At five o'clock and eight minutes P. M. the Senate, on motion of Mr. —, took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Ehos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Merland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

REPORTS OF STANDING COMMITTEES.

By Mr. Pardee (by leave):

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 559, have examined the same, and recommend that it do pass.

PARDEE, Chairman.

By Mr. Nye (by leave):

SENATE CHAMBER, SACRAMENTO, April 9th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was recommended Senate Bill No. 22—An Act to amend sections seven hundred and twelve, seven hundred and twenty-eight, seven hundred and thirty-two, seven hundred and sixty, seven hundred and seventy-one, seven hundred and seventy-two, eight hundred and eighteen, eight hundred and twenty, eight hundred and fifty, eight hundred and ninety, nine hundred and thirty-five, one thousand one hundred and ninety-seven, one thousand three hundred and thirty, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand five hundred and fifteen, one thousand five hundred and sixteen, and one thousand five hundred and fifty-six of the Penal Code, providing for certain proceedings before the Superior Courts, or the Judges thereof—have had the same under consideration, and report the same back, and recommend that the Senate concur in the Assembly amendments.

Also, Senate Bill No. 199—An Act to amend sections three hundred and sixty-seven, three hundred and seventy-two, and three hundred and seventy-three, of the Code of Civil Procedure, relating to parties to civil actions—report the same back, and recommend that the Senate concur in the Assembly amendments.

Also, Senate Bill No. 34—An Act to amend sections eight hundred and seventy-two and eight hundred and seventy-five, and to repeal section eight hundred and seventy-four of the Penal Code, relating to commitments of persons charged with crime—report the same back, and recommend that the Senate concur in the Assembly amendments.

Also, Assembly Bill No. 44—An Act to amend sections three hundred and twelve, three hundred and fourteen, three hundred and twenty-two, three hundred and twenty-three, three hundred and twenty-six, three hundred and fifty-nine, and four hundred and fifteen, and to add a new section, to be known as section four hundred and four, of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to corporations—report the same back, and recommend its passage.

NYE, Chairman.

RESOLUTION.

By Mr. Ryan:

Resolved, That the Secretary of the Senate be and he is hereby directed to amend the title of Senate Bill No. 96, by striking out the word "two," and inserting the word "three" in lieu thereof.

Adopted.

ASSEMBLY MESSAGE.

The following message was received, and taken up out of order:

ASSEMBLY CHAMBER, SACRAMENTO, April 9th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April ninth, eighteen hundred and eighty, refused to concur in Senate amendments to Assembly Concurrent Resolution No. 21—Relative to the adjournment *sine die* of the Twenty-third Session of the Legislature of California—and requests the Senate to recede.

J. M. WRIGHT, Assistant Clerk.

Mr. Sears moved that the Senate do adhere to its amendments to Assembly Concurrent Resolution No. 21.

Upon which the ayes and noes were demanded by Messrs. Gorman, Davis, and Sears, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Rowell, Sears, Traylor, and Watson—20.

NOES—Messrs. Anderson, Burt, Chase, Enos, Glaseock, Gorman, Harlan, Hill, Kelly, Langford, Moreland, Pardee, Pool, Ryan, Satterwhite, West, and Zuck—17.

Carried.

Mr. Davis moved that the Senate request a conference with the Assembly on Assembly Concurrent Resolution No. 21, and that the Chair appoint a committee of three to act as such Committee on Conference.

Carried.

The Chair appointed Messrs. Davis, Traylor, and Satterwhite to act as such committee.

SPECIAL ORDER AT SEVEN O'CLOCK P. M.

Consideration of report of committee in the case of Senator Kane.

Mr. Enos, from the Committee on Examination, reported the balance of the testimony in the case of Mr. Kane, which testimony was read for the information of the Senate, and on motion of Mr. Burt, ordered printed in the Appendix of the Journal, and simply referred to in the Journal of the day.

RESOLUTION.

By Mr. Dickinson:

Resolved, That Thomas Kane, a Senator from the Eleventh Senatorial District in the City and County of San Francisco, by his refusal to comply with the order of this Senate requiring him to state the name of the person who, he asserts, attempted to bribe him, is guilty of a contempt of this Senate, of conduct unbecoming a Senator and a citizen, and of conduct incompatible with his duty and station as a Senator of the State of California, and is guilty of a crime which, under the statutes of this State, forfeits his office, and forever disqualifies him from holding any office in this State; and that he be, therefore, and hereby is, expelled from the Senate of the State of California.

Mr. Enos offered the following as a substitute for the resolution offered by Mr. Dickinson:

WHEREAS, the Committee of Investigation, appointed by the Senate to inquire into the conduct and language of Senator Kane on the floor of the Senate, have performed their duty, and report that Senator Kane refuses to divulge the name of the party who was alleged by him to be guilty of the crime of offering a bribe to the said Senator Kane; and whereas, the law and

the preservation of the dignity of this body make it his duty so to do; and whereas, the said Senator Kane has, by his refusal to divulge the name of the alleged guilty party, when requested so to do, placed himself in contempt of this Senate; therefore, be it

Resolved, That Senator Thomas Kane is suspended from the exercise of his privileges and rights as a Senator of the State of California, during the present session, until he purges himself of the said contempt.

Mr. Enos offered the following statement received from Mr. Kane:

SENATE CHAMBER, SACRAMENTO, April 9th, 1880.

MR. PRESIDENT: I regret, as sincerely as any of my friends can possibly regret in my behalf, the unpleasant circumstance in which I have reluctantly placed myself before this honorable Senate. Permit me, in justice to the honorable members of this Senate, and to myself, to make a brief explanation in defense of my present position.

The testimony which I have already given to your investigating committee will show that I was actuated by zeal in behalf of public interests in attempting to ascertain whether any improper influences were being brought to bear upon legislation. I am now convinced that if I had not induced the party, who sought to influence my vote, to believe that I would listen to a corrupt proposition, the offer of a bribe would not have been made to me, and, upon careful reflection, I am now of the opinion that I was to be blamed for pursuing the course I did, notwithstanding I was quite sincere and honest in my motives at the time. It is impossible for me to tell what motive could have prompted the man who approached me. Perhaps it was only to involve me in personal difficulty, and probably may have been done with pure speculative intentions. In my relations as a representative of the people, I have considered myself in the position of an attorney for the people, and whatever promises I have made with a view to obtain testimony to protect the people from fraud I have considered as sacred as the consultations of a privileged character. I did wrong—that I freely admit—to make such promises, and I have no hesitation in saying this to the Senate.

I have enjoyed pleasant relations with the members of this Senate, whom I respect, and against whom I do not entertain suspicions of wrong doing. I am convinced from my own experience that, unless they should pursue the course I have pursued, such corrupt propositions could not have been made to them; therefore I cannot believe that speculative corruptionists, who desire to trade on the votes of members of the Legislature, can have affected the course of legislation. I have no reason to believe that any of the members of this Senate, all of whom I have respected, and do now respect as honorable gentlemen, and faithful officers of the law, are any less honest and faithful to their trusts than I am myself, therefore I have intended no disrespect to them in calling attention to a single effort to corrupt one vote, which was my own, and which I am free to confess was provoked by the manner I adopted to elicit information. Furthermore, I have since convinced myself that the man who approached me was not authorized to do so by any party interested in the legislation before the Senate.

It is impossible for me to say more than this.

I regret the anger and excitement which caused me to say what I did before the Senate, because I feel that it has accomplished no good purpose. I regret also that I was betrayed by my zeal on behalf of the public interest into a false and undignified position before an outside party, and for these faults I frankly apologize to this Senate. I regret also that my words have brought upon this body public criticism, which I feel satisfied it does not deserve, for I have no reason to believe, or even suspect, that any one of my fellow Senators would have felt less indignation than I did when I was spoken to as a Senator should not be addressed.

Whether I was right or wrong, in doing as I have done, is a matter for this Senate and my constituents to determine; whether this confession of the mistake I permitted myself to make is sufficient to excuse me from the charge of having brought unnecessary and undeserved criticism upon this body, is for you to decide. With this statement I leave the question for the Senate to decide in the spirit of fairness and justice, which I feel confident will actuate all its members.

THOS. KANE.

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Enos, Sears, and Johnson, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Enos, Glasecock, Gorman, Harlan, Hill, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, and West—20.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Moreland, Neumann, Nye, Pardee, Traylor, and Zuck—18.

Substitute adopted.

At eleven o'clock and twenty minutes p. m. Mr. Traylor moved to adjourn.

Lost.

Mr. Watson moved a reconsideration of the vote whereby the substitute to the original resolution was adopted.

Upon which the ayes and noes were demanded by Messrs. Enos, Dickinson, and Watson, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Moreland, Neumann, Nye, Pardee, Traylor, Watson, and Zuck—20.

NOES—Messrs. Anderson, Chase, Cheney, Enos, Glascock, Gorman, Harlan, Hill, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, and West—18.

Carried.

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Enos, Dickinson, and Brown, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Enos, Glascock, Gorman, Harlan, Hill, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, and West—19.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Conger, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Moreland, Neumann, Nye, Pardee, Traylor, Watson, and West—19.

Substitute lost.

Upon the adoption of the original resolution, the ayes and noes were demanded by Messrs. Enos, Johnson, and Sears, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Dickinson, George, Hudson, Johnson, Johnston, Moreland, Neumann, Nye, Pardee, Traylor, Watson, and Zuck—17.

NOES—Messrs. Anderson, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, and West—21.

Lost.

Mr. Johnson moved that the whole matter be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Burt, with the following result: .

AYES—Messrs. Burt, Chase, Hudson, Johnson, Langford, Neumann, Nye, Ryan, Satterwhite, Traylor, and Zuck—11.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Moreland, Nelson, Pardee, Pool, Rowell, Sears, Watson, and West—27.

Lost.

At eleven o'clock and thirty-five minutes p. m. Mr. Enos moved to adjourn.

Lost.

RESOLUTION.

By Mr. Dickinson :

Resolved, That Senator Thomas Kane, by reason of his refusal to obey the orders of this Senate, and to divulge the name of the person who attempted to bribe him, is guilty of a contempt of this Senate, and that he be and he is hereby committed to the custody of the Sergeant-at-Arms of this Senate, to be by him held in custody and confined in the county jail of Sacramento County until the further order of this Senate.

Upon the adoption of which the ayes and noes were demanded by Messrs. Brown, Dickinson, and Pardee, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nye, Pardee, Ryan, Sears, Traylor, Watson, and Zuck—25.

NOES—Messrs. Anderson, Chase, Glascock, Gorman, Harlan, Langford, Moreland, Nelson, Neumann, Pool, Rowell, Satterwhite, and West—13.

Resolution adopted, and the Secretary ordered to instruct the Sergeant-at-Arms to take Senator Kane into custody, and execute the order of the Senate.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., on motion of Mr. Zuck, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, April 10th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Journal of yesterday read and approved.

Pursuant to notice given yesterday, Mr. Glascock now moved a reconsideration of the vote whereby Assembly Bill No. 334 was passed.

Upon which the ayes and noes were demanded by Messrs. Glascock, Davis, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Chase, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Langford, Nye, Pardee, Rowell, and Satterwhite—15.

NOES—Messrs. Burt, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, George, Johnson, Johnston, Kelly, Moreland, Nelson, Pool, Ryan, Sears, Traylor, Watson, and West—19.

Senate refused to reconsider.

Mr. Burt moved that the arguments made in the case of Mr. Kane be entered in the Appendix of the Journal in connection with the testimony hereinbefore ordered entered.

Lost.

The President read the following dispatch:

BODIE, CALIFORNIA, April 9th, 1880.

To the President of the Senate:

Senate proceedings sixth instant just received. Supervisors dispatch solely in private interests. Nine tenths of taxable property in county demands Assembly Bill No. 557 as absolutely necessary to promote business and save taxation. Of the necessity we assure the Senate.

WELLS, FARGO & COMPANY, Bodie.

W. H. POPE, Cashier Bodie Bank.

H. F. HASTINGS, Cashier Mono County Bank.

REPORTS OF STANDING COMMITTEES.

By Mr. Rowell:

MR. PRESIDENT: Your Committee on Town and County Governments, to whom was referred Assembly Bill No. 112—An Act to repeal sections two, three, and six, and to amend section four, of an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four, in relation to an Assessor and Collector—herewith report the same back to the Senate, and recommend its passage.

ROWELL, for the Committee.

Also:

MR. PRESIDENT: Your Committee on Town and County Governments, to whom was referred Assembly Bill No. 284, herewith report the same back to the Senate without recommendation.

ROWELL, for the Committee.

By Mr. Neumann:

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 415, have had the same under consideration, and report the same back, and recommend its passage.

Your committee also recommend the passage of the following resolution:

Resolved, That the Clerk of the Committee on Mines and Mining be and he is hereby allowed the sum of one dollar per day from the twenty-first day of January, eighteen hundred and eighty, payable out of the Contingent Fund of the Senate.

NEUMANN, Chairman.

Resolution referred to the Committee on Contingent Expenses and Mileage.

REPORT OF A SELECT COMMITTEE.

By Mr. Hittell:

SENATE CHAMBER, SACRAMENTO, April 5th, 1880.

MR. PRESIDENT: The Committee on Conference, to whom was referred Senate Bill No. 175—An Act to amend sections one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight, of the Code of Civil Procedure, relating to guardians and wards—beg leave to report and recommend that the Senate concur in Assembly amendments numbers one, two, three, four, five, six, eight, nine, ten, eleven, twelve, thirteen, fourteen, sixteen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, and thirty-one; and that the Assembly recede from its amendments numbers seven, fifteen, seventeen, twenty, and twenty-seven.

THEODORE H. HITTELL,
GROVE L. JOHNSON,
Committee of Senate.

CHAS. N. FOX,
GEO. W. TYLER,
T. H. MERRY,
Committee of Assembly.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.
SACRAMENTO, April 11th, 1880.

To the Senate of the State of California:

I have the pleasure to inform the body that I have approved SENATE BILL No. 418: AN ACT to amend certain parts of the Code of Civil Procedure, relating legal business.

Also, SENATE BILL No. 419: AN ACT to amend certain sections of the Code of Civil Procedure, relating legal business.

Also, SENATE BILL No. 420: AN ACT to amend certain sections of the Political Code, relating legal business.

Also, SENATE BILL No. 421: AN ACT to amend certain sections of the Political Code, relating legal business.

Also, SENATE BILL No. 422: AN ACT to provide for the removal of buildings and improvements on the State and National lands.

Also, SENATE BILL No. 423: AN ACT to appropriate money to the California Agricultural State Fair, to be held at the State Fair Grounds, for the purpose of having down the same tracks and to improve the same grounds.

GEO. C. PERRINS, Governor.

Mr. Enos moved that Assembly Bill No. 415 be placed at the head of the second reading file.

Cajoned.

RESOLUTIONS.

By Mr. Johnson (by leave):

Resolved, That the Board of Supervisors be paid the sum of eleven dollars out of the Contingent Fund of the State for printing all copies of municipal resolutions.

Read and referred to the Committee on Contingent Expenses and Military.

By Mr. Dickinson (by leave):

Resolved, That the Chairman of the Kane Investigating Committee be and he is hereby authorized the sum of fifty-five dollars, expenses incurred by said Investigating Committee relative to Senator Kane, said sum being payable out of the appropriation for the contingent expenses of said Senate.

Adopted on motion of Mr. Dickinson.

Mr. Baker now called up the amendment to the rules offered yesterday.

ONE FIFTY TWO.

All business to be held up until the regular order, or to change the regular order of business, shall be carried without debate.

Upon the adoption of the rule the ayes and noes were demanded by Messrs. Enos, Hill, and Gorman, with the following result:

AYES: Messrs. Baker, Brown, Brown, Carlson, Chase, Davis, George, Grasse, Harlan, Hudson, Johnson, Johnston, Nye, Traylor, and Watson—15.

NOES: Messrs. Anderson, Brown, Cramer, Granger, Granger, Enos, Gorman, Hill, Hittell, Kelly, Lammie, McArthur, Nelson, Parker, Rowe, J. Ryan, Satterwhite, Sears, and West—18.

Lost.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, APR. 11th, 1880.

Mr. Dickinson: I am pleased to inform your honorable body that the Assembly, on April 10th, 1880, passed, without debate, and adopted the report of the Committee on Contingent Expenses.

Senate Bill No. 174—An Act to amend sections of the Code of Civil Procedure, relating to settlements of estates of deceased persons—and receded from Assembly amendment number ten to said bill.

Also, adopted the report of the Conference Committee upon Senate Bill No. 175—An Act to amend sections of the Code of Civil Procedure, relating to guardians and wards—and receded from Assembly amendments numbers seven, fifteen, seventeen, twenty, and twenty-seven, to said bill.

And passed Senate Bill No. 555—An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 9th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April ninth, eighteen hundred and eighty, considered Senate message of this date, requesting a conference upon Senate amendments to Assembly Concurrent Resolution No. 21—Relative to the adjournment *sine die* of the Twenty-third Session of the Legislature of California. The Speaker has appointed to act on the part of the Assembly upon such Committee on Conference Assemblymen Camron, Finlayson, and Spencer.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 8th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April eighth, eighteen hundred and eighty, passed Assembly Bill No. 479—An Act to amend section one thousand two hundred and sixty-five of the Civil Code, in relation to homesteads.

Assembly Bill No. 311—An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and fifty-three, relative to police power in the State of California.

Assembly Bill No. 459—An Act to empower consolidated cities and counties of over one hundred thousand inhabitants to make alterations to county prisons and county jails for sanitary purposes.

Assembly Bill No. 364—An Act to amend section two thousand nine hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to wharves.

And indefinitely postponed Senate Bill No. 5—An Act to provide for the improvement of Normal School Square in the City of San José.

Also, that on April ninth, eighteen hundred and eighty, the Assembly passed Senate Bill No. 63—An Act to provide for the speedy completion of the Branch State Prison at Folsom.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 479, above reported, read first time, and referred to the Judiciary Committee.

Assembly Bill No. 311, above reported, read first time, and referred to the Committee on Chinese and Chinese Immigration.

Assembly Bill No. 499, above reported, read first time, and referred to the Committee on County and Township Governments.

Assembly Bill No. 364, above reported, read first time, and referred to the Committee on Commerce and Navigation.

Report of the Committee on Conference, in relation to Senate Bill No. 175, now taken up.

Report adopted, and upon the concurrence in Assembly amendments, as recommended, the ayes and noes were called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Traylor, Watson, West, and Zuck—30.

NOES—Mr. Langford—1.

Amendments concurred in.

ASSEMBLY CHAMBER, SACRAMENTO, April 9th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April ninth, eighteen hundred and eighty, passed Assembly Bill No. 425—An Act to amend sections seven hundred, seven hundred and one, seven hundred and two, seven hundred and three,

seven hundred and four, and seven hundred and five, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March twelfth, eighteen hundred and seventy-two, so as to provide for the redemption of real estate sold under the power contained in trust deeds.

Assembly Bill No. 329—An Act to amend section two of an Act entitled "An Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city," approved April twenty-fourth, eighteen hundred and sixty-two.

Assembly Bill No. 501—An Act to amend sections three hundred and eighty-four, three hundred and eighty-five, three hundred and eighty-six, four hundred and seventeen, four hundred and eighteen, four hundred and nineteen, four hundred and twenty, four hundred and twenty-two, four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty, four hundred and forty-one, four hundred and fifty-five, four hundred and fifty-six, four hundred and seventy-one, four hundred and seventy-two, four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six, five hundred, five hundred and fourteen, five hundred and sixteen, two thousand one hundred and thirteen, two thousand one hundred and fourteen, two hundred and sixty-seven, three hundred and ninety-six, three hundred and ninety-seven, four hundred and fifty-seven, two thousand three hundred and two, two thousand three hundred and three, six hundred and twenty-eight, six hundred and twenty-nine, seven hundred and fifty-five, and seven hundred and fifty-six, and to repeal sections four hundred and ninety-nine, six hundred and eighty-five, and four hundred and twenty-one of the Political Code, relative to the salaries of State officers, deputies, and clerks.

Assembly Bill No. 367—An Act to prevent the running at large of sheep, goats, or hogs in the State of California.

Assembly Bill No. 459—An Act to regulate and provide for a day of rest in certain cases.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 425, above reported, read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 329, above reported, read first time, and on motion of Mr. Pardee, ordered number eight on the general file, without reference.

Assembly Bill No. 501, above reported, read first time, and on motion of Mr. Baker, was ordered number fourteen on the general file for second reading, to be considered with the Senate bill on the same subject.

Assembly Bill No. 367, above reported, read first time, and ordered on the general file for second reading.

Assembly Bill No. 459, above reported, read first time, and ordered on the general file for second reading.

Leave of absence granted the Committee on Conference appointed to act in relation to Assembly Concurrent Resolution No. 21.

SPECIAL ORDERS.

Consideration of motion of Mr. Sears to reconsider concurrence by the Senate in Assembly amendment to Senate Bill No. 213, on motion of Mr. Dickinson, was continued and made the special order for one o'clock and thirty minutes P. M. to-day.

Assembly Bill No. 489—An Act to amend sections one thousand nine hundred and seventeen, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty-one, one thousand nine hundred and fifty-five, one thousand nine hundred and sixty, one thousand nine hundred and seventy-three, one thousand nine hundred and seventy-four, one thousand nine hundred and seventy-five, one thousand nine hundred and eighty-two, one thousand nine hundred and eighty-six, one thousand nine hundred and ninety, one thousand nine hundred and ninety-two, two thousand and twenty-two, two thousand and twenty-eight, two thousand and thirty-nine, two thousand and fifty-nine, two thousand and ninety-five, two thousand and ninety-nine, two thousand and seventy-seven, one thousand nine hundred and forty-

two, one thousand nine hundred and seventy, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-five, two thousand and ninety-four, and two thousand one hundred and fourteen, of the Political Code of California, to repeal section one thousand nine hundred and seventy-five of said Code, approved March thirtieth, eighteen hundred and seventy-eight, and section one thousand nine hundred and ninety-one of said Code, and to add a new section to said Code, to be known and numbered as section one thousand nine hundred and seventy-seven, relating to the State militia.

Taken up out of order.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Nelson, Nye, Pardee, Pool, Ryan, Traylor, Watson, and West—27.

NOES—Messrs. Gorman, Kelly, Moreland, and Satterwhite—4.

Title read and approved.

Ordered transmitted immediately to the Assembly.

REPORTS OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, April 9th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bills Nos. 226, 275, 311, 408, 409, and 410, and that the same were this day placed in the hands of the Governor, at five o'clock P. M.

HUDSON, Chairman.

Also:

SENATE CHAMBER, April 10th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and find correctly enrolled, Senate Bills Nos. 63, 218, 221, 227, 336, 475, 528, and 550, and that the same were this day placed in the hands of the Governor, at ten o'clock and forty minutes A. M.

HUDSON, Chairman.

SECOND READING FILE.

Senate Bill No. 134 passed on file.

Assembly Bill No. 589—An Act to provide for the erection of a building for the insane at the State Insane Asylum at Stockton.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered on file for third reading.

Assembly Bill No. 260—An Act to amend an Act entitled "An Act to organize Levee District Number One, of Sacramento County, and to provide for its government," approved March thirtieth, eighteen hundred and seventy-eight.

Read second time, and ordered on file for third reading.

Assembly Bill No. 324—An Act to amend section four thousand and twenty-six of the Political Code.

Read second time, and ordered on file for third reading.

Assembly Bill No. 577—An Act to provide for the payment of the salaries and traveling expenses of the State Board of Equalization, and the Clerk thereof, and for postage and contingent expenses of said Board, for the thirtieth fiscal year ending June thirtieth, eighteen hundred and eighty.

Read second time, and ordered on file for third reading.

Assembly Bill No. 274—An Act to authorize and empower the Boards of Supervisors of the several counties of this State to allow certain outstanding road claims and provide for their payment.

Read second time, and ordered on file for third reading.

Senate Bill No. 449 passed on file.

Mr. Sears moved that Assembly Bill No. 577 be placed at the head of the third reading file.

Carried.

Assembly Bill No. 415—An Act to provide for the establishment and maintenance of a Mining Bureau.

Ordered in the place of Senate Bill No. 449.

Bill read second time, and ordered on file for third reading.

Senate Bills Nos. 91 and 187 passed on file.

Leave of absence was granted to Mr. Pardee until Monday morning, on account of sickness.

Assembly Bill No. 99—An Act to amend sections five hundred and ninety-six and six hundred and thirty-three of the Political Code, relating to life insurance.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered on file for third reading.

REPORT OF CONFERENCE COMMITTEE.

By Mr. Davis (by leave):

SENATE CHAMBER, April 10th, 1880.

MR. PRESIDENT: The Committee on Conference, to whom was referred Assembly Concurrent Resolution No. 12—Relative to the adjournment *sine die* of the Twenty-third Session of the California Legislature—beg leave to report that the committee could not agree, and recommend that a Committee on Free Conference be appointed.

E. A. DAVIS,
W. W. TRAYLOR,
JOHN W. SATTERWHITE,
Senate Committee.

W. W. CAMRON,
J. D. SPENCER,
JAMES R. FINLAYSON,
Assembly Committee.

Mr. Davis moved that the report be adopted, and that the Chair re-appoint a committee to act as recommended.

Carried.

The Chair re-appointed Messrs. Davis, Traylor, and Satterwhite to act as such Free Conference Committee.

Assembly Bill No. 100—An Act to amend an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered on file for third reading.

Mr. Davis, by leave, introduced the following report from the Committee on Free Conference:

SENATE CHAMBER, April 10th, 1880.

MR. PRESIDENT: The Committee on Free Conference, to whom was referred Assembly Concurrent Resolution No. 21—Relative to the adjournment *sine die* of the Twenty-third Session of

the Legislature of California—beg leave to report that they have agreed on a substitute to said resolution as follows:

Resolved by the Assembly, the Senate concurring, That the Twenty-third Session of the California Legislature do adjourn *sine die* on the sixteenth day of April, eighteen hundred and eighty, at twelve o'clock meridian.

And recommend that the Senate adopt such substitute.

E. A. DAVIS,
W. W. TRAYLOR,
JOHN W. SATTERWHITE,
Senate Committee.

W. W. CAMRON,
J. D. SPENCER,
JAMES R. FINLAYSON,
Assembly Committee.

Adopted.

RECESS.

On motion of Mr. Baker the Senate, at twelve o'clock and twenty-seven minutes P. M., took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M. President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

SPECIAL ORDER FOR ONE O'CLOCK AND THIRTY MINUTES P. M.

Consideration of Governor's appointments ordered continued, and made the special order for one o'clock and thirty minutes P. M. Monday.

THIRD READING FILE.

Senate Bill No. 297 ordered in place of Senate Bill No. 316 at head of the file.

Senate Bill No. 316 passed on file.

REPORT OF A STANDING COMMITTEE.

By Mr. Watson (by leave):

SENATE CHAMBER, April 10th, 1880.

MR. PRESIDENT: Your State Prison Committee, to whom was referred Assembly Bill No. 543—An Act to define, regulate, and govern the State Prisons of California—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

WATSON, Chairman.

Assembly Bill No. 543, above reported, on motion of Mr. Watson, was taken up out of order.

Read second time.

Bill considered as in Senate.

Mr. Sears moved to amend section two, line seven, by inserting after the word "qualified," the following: "They shall be styled the Board of State Prison Directors, and by that name shall be known in law, and may sue and be sued on any cause of action arising out of any of the transactions of said Board, or their last predecessors."

Upon which the ayes and noes were demanded by Messrs. Moreland, Conger, and Davis, with the following result:

AYES—Messrs. Byrnes, Conger, Dickinson, Enos, Kelly, Rowell, Ryan, and Sears—8.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Davis, Glascock, Gorman, Harlan, Johnson, Johnston, Lampson, Langford, Moreland, Nelson, Nye, Pool, Satterwhite, Traylor, Watson, West, and Zuck—23.

Lost.

Bill ordered on file for third reading.

SPECIAL ORDER AT ELEVEN O'CLOCK A. M.

Consideration of motion of Mr. Sears to reconsider whereby the Senate concurred in Assembly amendment to Senate Bill No. 213.

Mr. Sears, pursuant to notice given, now moved a reconsideration of the vote whereby the Senate concurred in Assembly amendment to Senate Bill No. 213.

Carried.

On motion of Mr. Sears the bill was referred to the Judiciary Committee.

SPECIAL ORDER AT TWO O'CLOCK P. M.

Senate Bill No. 308—An Act to provide for the recovery of damages for death or injuries caused by the use of intoxicating liquors.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill, as amended, ordered engrossed.

SPECIAL ORDER FOR THREE O'CLOCK P. M.

Consideration of motion of Mr. Johnston to reconsider passage, April sixth, of Senate Bill No. 526.

Motion withdrawn by the author, and bill ordered immediately transmitted to the Assembly.

Assembly Bill No. 354—An Act to provide for the protection of lands from overflow other than lands recognized as swamp lands.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Nye, Rowell, Ryan, Satterwhite, Traylor, West, and Zuck—29.

NOES—None.

Title read and approved.

Bill ordered immediately transmitted to the Assembly.

The following dispatch was received by the President:

BODIE, CALIFORNIA, April 10th, 1880.

To the President of the Senate:

The undersigned represent the entire press of Mono, except Mammoth and Benton, both outside of telegraphic communication, but known in our favor. Assembly bill for additional

Judge at Bodie absolutely necessary to transact business and save at least twenty thousand annually. Bill demanded by nine-tenths people and property. We beg that this be laid before Senate.

DAILY FREE PRESS,
BODIE DAILY MORNING NEWS,
BODIE DAILY CHRONICLE,
DAILY BODIE STANDARD.

Assembly Bill No. 557—An Act to provide an additional Judge of the Superior Court for the County of Mono.

Taken up out of order.

President pro tem. Baker in the chair.

Bill read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate.

Bill ordered on file for third reading.

PETITION.

Mr. Rowell, by leave, introduced a petition from citizens of Mono County, requesting the passage of Assembly Bill No. 557.

REPORT OF COMMITTEE.

By Mr. Watson, for the Chairman (by leave):

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 322, beg leave to report the same back without recommendation.

NEUMANN, Chairman.

REPORT OF COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, April 10th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bills Nos. 96, 285, 304, and 555, and that the same have this day been placed in the hands of the Governor, at three o'clock and twenty minutes P. M.

HUDSON, Chairman.

Senate Bill No. 373 ordered to the foot of second reading file, and Assembly Bill No. 28 taken up in place thereof, on motion of Mr. Traylor.

Assembly Bill No. 28—An Act to amend an Act entitled an Act to amend section two hundred and ninety-nine of the Civil Code of California, approved March twenty-second, eighteen hundred and seventy-eight.

Read second time, and ordered on file for third reading.

Assembly Bill No. 134—An Act to amend section three hundred and one of the Penal Code, in relation to keeping open places of business on Sunday.

Taken up out of order.

Read second time, and ordered on file for third reading.

Senate Bill No. 452 passed on file.

Senate Bill No. 479 passed on file.

RECESS.

At four o'clock and twenty-seven minutes P. M., on motion of Mr. Watson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes p. m. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Johnson, by leave, introduced the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to release Senator Thomas Kane from custody, and that he be suspended during the balance of the session from all his rights and privileges as a Senator.

Mr. Zuck moved that the resolution be made the special order for Monday, immediately after the reading of the Journal.

Mr. Traylor moved as an amendment, that the whole subject matter be laid upon the table.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Johnston, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Davis, Dickinson, Hudson, Nye, and Traylor—10.

NOES—Messrs. Anderson, Cheney, Conger, Enos, Glascock, Gorman, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—21.

Lost.

The question now recurred upon the motion to make the resolution a special order for Monday, after reading of the Journal.

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Sears, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Dickinson, Enos, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, and Zuck—14.

NOES—Messrs. Burt, Byrnes, Conger, Davis, Glascock, Gorman, Langford, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and West—17.

Lost.

Mr. Dickinson offered a substitute for the resolution, which substitute, by leave of the Senate, was withdrawn by the author.

Mr. Johnston offered an amendment to the resolution, which was accepted by the author.

Upon the adoption of the resolution the ayes and noes were demanded by Messrs. Johnson, Enos, and Johnston, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Johnson, Johnston, Kelly, Moreland, Nelson, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, and West—22.

NOES—Messrs. Baker, Burt, Brown, Dickinson, Hill, Hittell, Hudson, Nye, Traylor, and Zuck—10.

Resolution adopted.

At nine o'clock and ten minutes p. m. Mr. Traylor moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Johnston, Burt, and Enos, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Kelly, Nelson, Pool, and Traylor—13.

NOES—Messrs. Anderson, Burt, Carlock, Davis, Glascock, Hill, Hittell, Hudson, Johnson, Johnston, Langford, Moreland, Nye, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—20.

Lost.

By Mr. Nye (by leave):

SENATE CHAMBER, SACRAMENTO, April 10th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to which was referred Assembly Bill No. 323—An Act to amend sections one thousand and forty-one, one thousand and forty-three, one thousand and fifty-five, one thousand and eighty-three, one thousand and eighty-four, one thousand and ninety-seven, one thousand one hundred and six, one thousand one hundred and eight, one thousand one hundred and nine, one thousand one hundred and thirteen, one thousand one hundred and thirty, one thousand one hundred and forty-seven, one thousand two hundred and twenty-eight, one thousand two hundred and thirty, one thousand two hundred and thirty-two, one thousand two hundred and thirty-three, one thousand two hundred and thirty-five, one thousand two hundred and thirty-six, one thousand two hundred and thirty-seven, one thousand two hundred and eighty-four, one thousand two hundred and eighty-five, one thousand two hundred and eighty-eight, one thousand two hundred and ninety, one thousand three hundred and ten, one thousand three hundred and eleven, and one thousand three hundred and forty-three, of the Political Code, relating to elections, and to repeal section one thousand and forty-two of said Code—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 522—An Act to amend section eight hundred and five of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Senate Bill No. 551—An Act to amend section six hundred and thirteen of the Code of Civil Procedure of the State of California, relating to trial by jury—report the same back, and recommend its passage.

Also, Senate Bill No. 544—An Act to amend section one thousand two hundred and sixty-three of the Civil Code, relating to homesteads—report the same back, and recommend its passage.

Also, Senate Bill No. 225—An Act to amend section one thousand nine hundred and eighteen of the Civil Code, relating to the rate of interest on money—report the same back, and recommend its passage, to wit, the substitute heretofore adopted by the Senate.

Also, Assembly Bill No. 479—An Act to amend section one thousand two hundred and sixty-five of the Civil Code, in relation to homesteads—and recommend its passage.

NYE, Chairman.

Mr. Zuck moved that Assembly Bill No. 472 be taken up out of order.

At nine o'clock and twenty-five minutes p. m. Mr. Traylor moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnston, and Traylor, with the following result:

AYES—Messrs. Brown, Byrnes, Chase, Conger, Dickinson, Hittell, Kelly, Nelson, Traylor, and Watson—10.

NOES—Messrs. Anderson, Baker, Burt, Davis, Enos, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Langford, Moreland, Nye, Rowell, Ryan, Satterwhite, Sears, West, and Zuck—20.

Lost.

The question recurred upon the motion to take up Assembly Bill No. 472 out of order.

Upon which the ayes and noes were demanded by Messrs. Conger, Hill, and Zuck, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Davis, Glascock, Gorman, Hill, Johnson, Langford, Moreland, Nye, Rowell, Satterwhite, Watson, West, and Zuck—16.

NOES—Messrs. Brown, Byrnes, Conger, Dickinson, Enos, Hittell, Johnston, Kelly, Nelson, Ryan, Sears, and Traylor—12.

Lost.

Journal of the American Medical Association, 1910, 55, 1000.

*There should be approval from the President of the Board, the Board of Directors, and the Board of Directors.

Journal of the American Medical Association, 1964; 191: 1000-1001.

[illegible]

Senate Bill No. 96 withdrawn by the author.
 Senate Bill No. 554 withdrawn by the author.
 Senate Bill No. 316 withdrawn by the author.
 Senate Bill No. 91 withdrawn by the author.
 Senate Bill No. 187 withdrawn by the author.
 Senate Bill No. 393 withdrawn by the author.
 Senate Bill No. 425 withdrawn by the author.
 Senate Bill No. 436 withdrawn by the author.
 Senate Bill No. 134 withdrawn by the author.
 Senate Bill No. 562 withdrawn by the author.
 Senate Bill No. 346 withdrawn by the author.
 Senate Bill No. 347 withdrawn by the author.
 Senate Bill No. 348 withdrawn by the author.
 Senate Bill No. 525 withdrawn by the author.
 Senate Bill No. 552 withdrawn by the author.
 Senate Bill No. 509 withdrawn by the author.
 Senate Bill No. 76 withdrawn by the author.
 Senate Bill No. 373 withdrawn by the author.
 Senate Bill No. 545 withdrawn by the author.
 Senate Bill No. 417 withdrawn by the author.
 Senate Bill No. 513 withdrawn by the author.
 Senate Bill No. 21 withdrawn by the author.
 Senate Bill No. 534 withdrawn by the author.
 Senate Bill No. 505 withdrawn by the author.
 Senate Bill No. 412 withdrawn by the author.
 Senate Bill No. 10 withdrawn by the author.

Mr. Johnston moved that Senate Bill No. 297 be ordered in place of Senate Bill No. 316 on the file.

Carried.

Mr. Dickinson moved that the Chairman of each committee be authorized to move the indefinite postponement of the bills recommended by their respective committees for indefinite postponement.

Carried.

Mr. Johnson moved that Senate Bill No. 449 be indefinitely postponed.

Carried.

Mr. Sears moved that Senate Bill No. 479 be indefinitely postponed.

Carried.

Senate Bill No. 447 indefinitely postponed.

Assembly Bill No. 111 passed on file.

Mr. Sears moved that the Senate consider only Senate bills in its action of indefinite postponement.

Carried.

Senate Bill No. 379 indefinitely postponed.

Senate Bill No. 559 withdrawn by the author.

Senate Bill No. 9 withdrawn by the author.

Senate Bill No. 334 withdrawn by the author.

Senate Bill No. 293 withdrawn by the author.

Senate Bill No. 471 passed on file.

Senate Bill No. 301 indefinitely postponed.

Senate Bill No. 200 withdrawn by the author.

Senate Bill No. 553 indefinitely postponed.

Senate Bill No. 420 withdrawn by the author.

Senate Bill No. 272 indefinitely postponed.

Senate Bill No. 448 indefinitely postponed.

Senate Bill No. 375 withdrawn by the author.
 Senate Bill No. 547 withdrawn by the author.
 Senate Bill No. 522 withdrawn by the author.
 Senate Bill No. 156 withdrawn by the author.
 Senate Bill No. 323 withdrawn by the author.
 Senate Bill No. 452 indefinitely postponed.

INTRODUCTION OF A BILL.

Mr. Sears, by unanimous consent, was allowed to introduce the following bill: Senate Bill No. 563—An Act to provide for the payment of the salaries and expenses of the Board of Railroad Commissioners for the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

Read first time.

Mr. Moreland moved that so much of the provisions of section fifteen, article four, of the Constitution, which required bills to be read on three several days, be dispensed with on the ground of urgency, and that the bill be now read a second time.

Upon which the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, Harlan, Hill, Hittell, Hudson, Johnson, Kerry, Lampson, Langford, Moreland, Nye, Purdee, Pool, Rowell, Satterwhite, Scotts, Taylor, Watson, West, and Zuck—29.
 NOES—Messrs. Burt, Glascock, Gorman, and Nelson—4.

Carried.

Bill read second time, and ordered on file for third reading.

REPORT OF A STANDING COMMITTEE.

By Mr. Dickinson:

MR. PRESIDENT: Your Committee on Commerce and Navigation have considered Assembly Bill No. 364, and report the same back, and recommend its passage.

DICKINSON, Chairman.

Mr. Sears moved that Assembly Bill No. 364, above reported, be now taken up for consideration.

Mr. Dickinson moved, as an amendment, that the bill be taken up, read a second time, and that it be ordered on the file for third reading.

Mr. Dickinson moved, as a substitute, that the bill take its regular course.

Carried.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, April 12th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 213—An Act to amend section three hundred and fifty-eight of the Civil Code, concerning corporations—have had the same under consideration, and report the same back to the Senate, and recommend that the Senate concur in the Assembly amendments thereto.

NYE, Chairman.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, April 10th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 533—An Act to amend the Civil Code by adding a new section thereto, to be known as section two thousand one hundred and seventy-eight—have had the same under consideration, and report the same back to the Senate without recommendation.

SEARS, Chairman.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 10th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April tenth, eighteen hundred and eighty, passed Assembly Bill No. 505—An Act to grant to certain parties therein named the right of way for a railroad from the Town of Truckee to the Town of Quincy.

JOHN G. HOWELL, Assistant Clerk.

Assembly Bill No. 505, above reported, read first time.

Mr. Nye moved that the bill be indefinitely postponed.

Mr. Watson moved, as an amendment, that the bill be ordered at the head of the second reading file.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }
SACRAMENTO, April 12th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 550—An Act to provide a Contingent Fund for the use of the Senate.

Also, Senate Bill No. 96—An Act to amend sections one and three of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March thirtieth, A. D. one thousand eight hundred and seventy-eight.

Also, Senate Bill No. 63—An Act to provide for the speedy completion of the Branch State Prison at Folsom.

Also, Senate Bill No. 218—An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

Also, Senate Bill No. 336—An Act to provide for the erection of a building for the use of the Normal School.

Also, Senate Bill No. 304—An Act to amend an Act entitled "An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San Francisco," approved March ninth, eighteen hundred and seventy.

Also, Senate Bill No. 555—An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

Also, Senate Bill No. 227—An Act to amend section two thousand two hundred and twenty-one of the Political Code, relating to transportation of insane persons to Asylums.

Also, Senate Bill No. 528—An Act to amend section thirty-seven hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to revenue.

Also, Senate Bill No. 285—An Act to amend sections seven hundred and sixty-three and nine hundred and thirty-nine of the Code of Civil Procedure, relating to proceedings in partition and appeals therefrom.

GEO. C. PERKINS, Governor.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 10th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April seventh, eighteen hundred and eighty, passed Senate Bill No. 40—An Act to repeal an Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five.

Senate Bill No. 233—An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroner inquests in said Prison.

On April eighth, eighteen hundred and eighty, passed Senate Bill No. 282—An Act to enforce the provisions of section three, of article twelve, of the Constitution.

And struck out the enacting clause of Senate Bill No. 92—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 10th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April tenth, eighteen hundred and eighty, adopted the report of the Committee on Free Conference upon Assembly Concurrent Resolution No. 21, relative to the adjournment *sine die* of the Twenty-third Session of the Legislature of California.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 32, hereinbefore reported from the Assembly with amendments, now taken up.

The roll was called, and the Senate concurred in Assembly amendments by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnston, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, West, and Zuck—27.

NOES—Messrs. Dickinson, Hittell, Johnson, Kelly, Moreland, and Traylor—6.

Assembly Bill No. 109, hereinbefore reported from the Assembly with amendments, now taken up.

The roll was called, and the Senate concurred in Assembly amendments by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—33.

NOES—Mr. Johnson—1.

Senate Bill No. 34, hereinbefore reported from the Assembly with amendments, now taken up, amendments read and concurred in by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—34.

NOES—Mr. Johnson—1.

SECOND READING FILE.

Assembly Bill No. 329—An Act to amend section two of an Act entitled "An Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city," approved April twenty-fourth, eighteen hundred and sixty-two.

Mr. Nye moved that the bill be indefinitely postponed.

Lost.

Bill read second time, and ordered on general file for third reading.

Assembly Bill No. 501—An Act to amend sections three hundred and eighty-four, three hundred and eighty-five, three hundred and eighty-six, four hundred and seventeen, four hundred and eighteen, four hundred and nineteen, four hundred and twenty, four hundred and twenty-two, four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty, four hundred and forty-one, four hundred and fifty-five, four hundred and fifty-six, four hundred and seventy-one, four hundred and seventy-two, four hundred and

eighty-four, four hundred and eighty-five, four hundred and eighty-six, five hundred, five hundred and fourteen, five hundred and sixteen, two thousand one hundred and thirteen, two thousand one hundred and fourteen, two hundred and sixty-seven, three hundred and ninety-six, three hundred and ninety-seven, four hundred and fifty-seven, two thousand three hundred and two, two thousand three hundred and three, six hundred and twenty-eight, six hundred and twenty-nine, seven hundred and fifty-five, seven hundred and fifty-six, and to repeal sections four hundred and ninety-nine, six hundred and eighty-five, and four hundred and twenty-one, of the Political Code, relative to the salaries of State officers, deputies, and clerks.

Senate considered as in Committee of the Whole.

By unanimous consent the Secretary was authorized to strike out the word "eleven," and insert the word "three," in line thirty, section one.

Mr. Hittell moved that the consideration of the above bill be made the special order for immediately after recess.

Carried.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

SPECIAL ORDER FOR ONE O'CLOCK AND THIRTY MINUTES P. M.

Confirmation of Governor's appointment.

The same, on motion of Mr. Dickinson, was continued, and made the special order for one o'clock and thirty minutes P. M. to-morrow.

Consideration of Assembly Bill No. 501 resumed.

Senate considered as in Committee of the Whole.

Mr. Johnson moved that the bill be considered in Senate.

Carried.

Mr. Davis moved to amend section one, by inserting after the word "Instruction," in line fourteen, the words "one Clerk for the Superintendent of Public Instruction."

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Zuck, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hittell, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, and Watson—23.

NOES—Messrs. Burt, Brown, George, Gorman, Hill, Hudson, Johnson, Johnston, Moreland, Rowell, Sears, West, and Zuck—13.

Amendment adopted.

Mr. Dickinson moved to amend section one by striking out, in line five, the words "Executive Clerk," and insert the words "Executive Secretary."

Upon which the ayes and noes were demanded by Messrs. Johnson, Dickinson, and Burt, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Chase, Cheney, Ganger, Davis, Dickinson, Enos, Glascock, Harlan, Hittell, Kelly, Langford, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, and Zuck—23.

NOES—Messrs. Anderson, Burt, Carlock, George, Gorman, Hill, Hudson, Johnson, Moreland, Nelson, Sears, and West—12.

Amendment adopted.

Mr. Dickinson moved to amend section three by striking out said section.

Upon which the ayes and noes were demanded by Messrs. Johnson, Moreland, and Davis, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Ganger, Dickinson, George, Hittell, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, and West—17.

NOES—Messrs. Anderson, Chase, Davis, Enos, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Rowell, Sears, Traylor, and Zuck—18.

Lost.

Mr. Dickinson moved to amend section four by striking out the word "Clerk" and inserting the word "Secretary," and by striking out the word "sixteen" and inserting the word "twenty-four."

The vote was taken upon the first part of the amendment, to strike out the word "Clerk" and insert the word "Secretary," which was adopted.

Upon the second part of the amendment, striking out the word "sixteen" and inserting the word "twenty-four," the ayes and noes were demanded by Messrs. Moreland, Sears, and Dickinson, with the following result:

AYES—Messrs. Brown, Cheney, Davis, Dickinson, Hittell, Johnson, Johnston, Kelly, Nelson, Neumann, Rowell, Ryan, Satterwhite, Traylor, and Watson—15.

NOES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Ganger, Enos, George, Gorman, Harlan, Hill, Hudson, Lampson, Langford, Moreland, Nye, Pardee, Sears, West, and Zuck—21.

Lost.

Mr. Dickinson moved to amend section four by striking out the words "one thousand six hundred" and inserting the words "two thousand."

Adopted.

Mr. Dickinson moved to amend section one, line thirty-two, printed bill, by inserting after the word "library" the words "two Clerks and two Wardens of the State Prison."

Adopted.

Mr. Dickinson offered the following as a new section:

SECTION 9. Section four hundred and eight of said Code is hereby amended so as to read as follows:

Section 408. In addition to the duties prescribed by the Constitution, it is the duty of the Secretary of State:

First.—To attend at every session of the Legislature, for the purpose of receiving bills and resolutions thereof, and to perform such other duties as may be devolved upon him by resolution of the two Houses, or either of them.

Second.—To keep a register of and attest the official acts of the Governor.

Third.—To affix the Great Seal, with his attestation, to commissions, pardons, and other public instruments, to which the official signature of the Governor is required.

Fourth—To record in proper books all conveyances made to the State, and all articles of incorporation filed in his office.

Fifth—To receive and record in proper books the official bonds of all the officers whose bonds are fixed by part three of this Code, and then to deliver the originals to the State Treasurer.

Sixth—To record in a proper book all changes of names certified to him by the County Clerks, in the manner in which such record is now made.

Seventh—To take and file in his office receipts for all books distributed by him, and to direct the County Clerk of each county to do the same.

Eighth—To certify to the Governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the Governor.

Ninth—To furnish on demand, to any person paying the fees therefor, a certified copy of all or any part of any law record, or other instrument filed, deposited, or recorded in his office.

Tenth—To deliver to the State Printer, at the earliest day practicable after the final adjournment of each session of the Legislature, copies of all laws, resolutions, (with marginal notes,) and Journals, kept, passed, or adopted at such session: to superintend the printing thereof, and have proof-sheets of the same compared with the originals, corrected, and indexed.

Eleventh—To notify, in writing, the District Attorney of the proper county of the failure of any officer in his county to file in his office the sworn statement of fees received by such officer.

Twelfth—To present to the Legislature at the commencement of each session thereof a full account of all purchases made and expenses incurred by him in furnishing fuel, lights, and stationery.

Thirteenth—To keep a Fee Book, in which must be entered all fees, commissions, and compensation of whatever nature or kind by him earned, collected, or charged, with the date, name of payor, paid or not paid, and the nature of the service in each case, which book must be verified annually by his affidavit entered therein.

Fourteenth—To file in his office descriptions of seals in use by the different State officers, and furnish such officers with new seals whenever required.

Fifteenth—To discharge the duties of member of the State Board of Examiners, State Capitol Commissioner, State Sealer of Weights and Measures, and all other duties required of him by law.

Sixteenth—To report to the Governor, at the time prescribed in section three hundred and thirty-two of this Code, a detailed account of all his official actions since his previous reports, and accompanying the report with a detailed statement, under oath, of the manner in which all appropriations for his office have been expended.

Seventeenth—He must distribute of bound volumes of the decisions of the Supreme Court as soon as he receives them:

First—To each State, one copy.

Second—To the Library of Congress, the State Library, and the Supreme Court Library, two copies each.

Third—To each department of this State, and to each of the United States District Judges for this State, Justices of the Supreme Court, and Judges of the Superior Courts, one copy.

Fourth—To each District Attorney and County Clerk, one copy:

Fifth—To the Reporter of the Decisions, ten copies.

Adopted.

Mr. Dickinson moved to amend section six by inserting the words "two thousand" instead of the words "one thousand six hundred."

Upon which the ayes and noes were demanded by Messrs. Sears, West, and Gorman, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Harlan, Hittell, Johnson, Kelly, Lampson, Nelson, Neumann, Rowell, Ryan, Satterwhite, and Traylor—18.

NOES—Messrs. Anderson, Burt, Carlock, Enos, George, Gorman, Hill, Hudson, Johnston, Moreland, Nye, Sears, West, and Zuck—14.

Adopted.

Mr. Dickinson moved, as a substitute for section eight, the following:

SECTION 8. Section four hundred and twenty-two of said Code is hereby amended so as to read as follows:

Section 422. The Secretary of State during each legislative year, from January until July inclusive, may employ two special Clerks, at a monthly salary of not exceeding one hundred and thirty dollars each.

Upon which the ayes and noes were demanded by Messrs. Moreland, Sears, and Lampson, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Cheney, Conger, Dickinson, Harlan, Johnson, Kelly, Nelson, Neumann, Ryan, and Satterwhite—13.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Davis, Enos, George, Gorman, Hill, Hittell, Hudson, Lampson, Moreland, Nye, Pardee, Rowell, Sears, Traylor, Watson, West, and Zuck—21.

Lost.

Mr. Dickinson moved to amend section nine by inserting the words "two thousand" and striking out the words "one thousand six hundred."

Upon which the ayes and noes were demanded by Messrs. Hill, Moreland, and Gorman, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Cheney, Conger, Dickinson, Harlan, Hittell, Johnson, Kelly, Lampson, Neumann, Rowell, Ryan, Satterwhite, Traylor, and Watson—17.

NOES—Messrs. Burt, Carlock, Chase, Davis, Enos, George, Gorman, Hill, Hudson, Moreland, Nelson, Nye, Pardee, Sears, West, and Zuck—16.

Adopted.

Mr. Enos moved a call of the Senate.

Upon which the ayes and noes were demanded by Messrs. Enos, Gorman, and Johnson, with the following result:

AYES—Messrs. Burt, Byrnes, Carlock, Conger, Enos, Gorman, Hill, Johnson, Lampson, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Watson, and West—17.

NOES—Messrs. Anderson, Brown, Chase, Cheney, Dickinson, George, Harlan, Hittell, Hudson, Johnston, Kelly, Neumann, Satterwhite, Sears, Traylor, and Zuck—16.

Carried.

The roll was called, and all answered to their names except Messrs. Baker, Glascock, Langford, and Pool.

Messrs. Glascock and Langford appeared and were excused.

Mr. Brown moved that the further proceeding under the call be dispensed with.

Lost.

Mr. Sears moved that further proceedings under the call be dispensed with.

Lost.

Mr. Johnston moved a temporary suspension of the rules whereby business was suspended under the call of the House.

Upon which the roll was called, with the following result:

AYES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Satterwhite, Traylor, West, and Zuck—28.

NOES—Messrs. Anderson, Glascock, Johnson, Moreland, Rowell, Ryan, Sears, and Watson—8.

Carried.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson (by leave):

SENATE CHAMBER, April 12th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bill No. 84, and that the same has this day been placed in the hands of the Governor, at twelve o'clock and fifteen minutes P. M.

HUDSON, Chairman.

SENATE CHAMBER, April 12th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bills Nos. 32, 40, 233, 264, 282, and 366, and the same were this day placed in the hands of the Governor, at ten o'clock and ten minutes A. M.

HUDSON, Chairman.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

By Mr. Cheney (by leave):

SENATE CHAMBER, April 12th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bill, viz.: Senate Bill No. 476—An Act to add a new chapter, to be known as chapter six, consisting of five new sections, to be known as sections four thousand four hundred and forty-five, four thousand four hundred and forty-six, four thousand four hundred and forty-seven, four thousand four hundred and forty-eight, and four thousand four hundred and forty-nine, to title three, of part four, of the Political Code, relating to, and providing for, the funding and refunding of city indebtedness.

CHENEY, Chairman.

Also:

SENATE CHAMBER, April 12th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 308—An Act to provide for the recovery of damages for death or injuries caused by the use of intoxicating liquors.

Senate Bill No. 563—An Act to provide for the payment of the salaries and expenses of the Board of Railroad Commissioners, for the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

CHENEY, Chairman.

Consideration of Assembly Bill No. 501 resumed.

At three o'clock and forty-five minutes P. M. Mr. Enos moved to adjourn.

Lost.

Mr. Dickinson moved to amend by striking out section nineteen.

Upon which the ayes and noes were demanded by Messrs. Sears, Burt, and Davis, with the following result:

AYES—Messrs. Chase, Cheney, Conger, Davis, Dickinson, Johnson, Kelly, Lampson, Ryan, Traylor, and Watson—11.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, West, and Zuck—25.

Lost.

Mr. Dickinson offered the following as a new section:

Section five hundred and fourteen of said Code is hereby amended so as to read as follows:

The annual salary of the State Superintendent is two thousand four hundred dollars.

Upon which the ayes and noes were demanded by Messrs. Dickinson, Sears, and Davis, with the following result:

AYES—Messrs. Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Glasecock, Hittell, Johnson, Kelly, Lampson, Neumann, Pardee, Rowell, Ryan, and Watson—16.

NOES—Messrs. Anderson, Burt, Carlock, Chase, Enos, George, Gorman, Harlan, Hill, Hudson, Johnston, Langford, Moreland, Nelson, Nye, Satterwhite, Sears, West, and Zuck—19.

Lost.

Mr. Dickinson moved to amend by adding a new section, to be known as section five hundred and fifteen, to read as follows:

Section 515. The annual salary of the Clerk for the Superintendent of Public Instruction is one thousand six hundred dollars.

Mr. Zuck moved to amend by striking out the word "sixteen" and insert the word "twelve."

Lost.

Original amendment prevailed.

Mr. Dickinson moved to amend by striking out the words "one thousand six hundred" and inserting the words "two thousand."

Withdrawn by the author.

Mr. Baker, under the call for absentees, appeared before the bar of the Senate.

Mr. Sears raised the point of order that, under the motion made by Mr. Johnston, whereby the rule was temporarily suspended, by which proceeding under the call was passed and business proceeded with, was a suspension of the call.

The Chair ruled the point well taken, and so ordered.

Mr. Johnson moved to amend by striking out section twenty.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Sears, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Ryan, Sears, Traylor, Watson, and West—26.

NOES—Messrs. Davis, Gorman, Langford, Moreland, Neumann, Nye, Rowell, Satterwhite, and Zuck—9.

Adopted.

Mr. Satterwhite moved to amend section twenty-one by striking out the word "six," and inserting the word "ten."

Withdrawn by the author.

Mr. Johnson moved to amend section twenty-one by striking out the words "six hundred," in line four, of said section, and inserting in lieu thereof the words "four hundred and eighty," and add to the section the words "and the same allowance for mileage and contingent expenses as are allowed to members of the Legislature."

Upon the first part of the amendment, down to the word "add," the ayes and noes were demanded by Messrs. Burt, Johnson, and Byrnes, with the following result:

AYES—Messrs. George, Hudson, Johnson, and Neumann—4.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—29.

Lost.

The balance of the amendment from the word "add" withdrawn.

Mr. Satterwhite moved to amend as follows: "The President of the Senate and Speaker of the Assembly should each receive a per diem of fifteen dollars during the session of the Legislature, and the same mileage as is allowed to the members of the Legislature."

Mr. Davis moved as an amendment to the amendment by striking out "fifteen" and inserting "twelve."

Upon which the ayes and noes were demanded by Messrs. Davis, Zuck, and Burt, with the following result:

AYES—Messrs. Anderson, Byrnes, Cheney, Conger, Davis, Glascock, Harlan, Johnston, Moreland, Neumann, Pool, Rowell, Satterwhite, and Traylor—14.

NOES—Messrs. Burt, Brown, Carlock, Chase, Enos, George, Gorman, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Nelson, Nye, Ryan, Sears, Watson, West, and Zuck—21.

Lost.

The question now recurred upon the original amendment.

Upon which the ayes and noes were demanded by Messrs. Sears, Zuck, and Johnson, with the following result:

AYES—Messrs. Anderson, Cheney, Conger, Enos, Gorman, Harlan, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pool, Rowell, Ryan, and Watson—17.

NOES—Messrs. Burt, Brown, Byrnes, Carlock, Chase, Davis, Dickinson, George, Glascock, Hill, Hittell, Hudson, Johnson, Nye, Pardee, Sears, Traylor, West, and Zuck—19.

Lost.

Mr. Dickinson moved to amend section twenty-one so as to read as follows: "The Speaker of the Assembly shall receive the sum of ten dollars per diem during the session of the Legislature."

Adopted.

Mr. Dickinson moved to amend section twenty-three by striking out the word "receives" and inserting the words "shall receive."

Adopted.

Mr. Ryan moved to reconsider the vote whereby the amendment allowing the Lieutenant-Governor and Speaker of the Assembly ten dollars per diem was lost.

Upon which the ayes and noes were demanded by Messrs. Hill, Burt, and Brown, with the following result:

AYES—Messrs. Cheney, Conger, Davis, Glascock, Gorman, Harlan, Johnston, Kelly, Moreland, Nelson, Neumann, Rowell, Ryan, Watson, and West—15.

NOES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Dickinson, George, Hill, Hittell, Hudson, Johnson, Lampson, Langford, Nye, Pardee, Pool, Sears, Traylor, and Zuck—20.

Senate refused to reconsider.

Mr. Dickinson moved to amend by adding to section twenty-one the words "and the same mileage and sum for contingent expenses as members of the Legislature."

Adopted.

Also, moved to amend section twenty-three by inserting, after the words "per diem," the words "mileage and sum for contingent expenses."

Adopted.

Leave of absence was granted Mr. Glascock until recess.

Leave of absence granted to the Committee on Contingent Expenses and Mileage.

Mr. Johnson moved to amend by striking out section twenty-four.

Adopted.

Also, amend by striking out section twenty-five.

Adopted.

Also, moved to amend by striking out section twenty-six.

Upon which the ayes and noes were demanded by Messrs. Burt, Johnson, and Nye, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Glascock, Hittell, Johnson, Johnston, Lampson, Moreland, Pool, Rowell, Ryan, Traylor, and Watson—18.

NOES—Messrs. Burt, Chase, Enos, Gorman, Harlan, Hill, Hudson, Kelly, Langford, Neumann, Nye, Pardee, Sears, and West—14.

Adopted.

Mr. Rowell moved to amend by striking out section twenty-seven.

Adopted.

RECESS.

At four o'clock and fifty-five minutes p. m. Mr. Johnson moved that the Senate take a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messes. Anderson, Baker, Bart, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Dickinson moved that the Senate continue the consideration of Assembly Bill No. 501 until disposed of.

Lost.

THIRD READING FILE.

Assembly Bill No. 577—An Act to provide for the payment of the salaries and traveling expenses of the State Board of Equalization, and the Clerk thereof, and for postage and contingent expenses of said Board for the thirtieth fiscal year ending June thirtieth, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Bart, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson and Zuck—31.

NOES—Mr. West—1.

Title read and approved.

Mr. Traylor gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate refused to strike out section three of Assembly Bill No. 501.

Senate Bill No. 297—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-six, three thousand four hundred and seventy-one, and three thousand four hundred and eighty-one, of the Political Code.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Bart, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—33.

NOES—None.

Title read and approved.

Assembly Bill No. 230—An Act for the further protection of stockholders in mining companies.

Read third time.

Mr. Traylor moved that the bill be recommitted to the Committee on Mines and Mining, with instructions to amend as follows: In section three, line two, printed bill, strike out the word "two."

and insert the word "ten" in lieu thereof. Also, amend by striking out section two.

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Watson, West, and Zuck—31.

NOES—Messrs. Brown, Hittell, Sears, and Traylor—4.

Title read and approved.

Assembly Bill No. 199 passed on file.

Assembly Bill No. 64—An Act to amend sections three thousand four hundred and forty and three thousand four hundred and ninety-four of the Political Code, relating to interest on deferred payments on State land.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and West—25.

NOES—Messrs. Burt, Chase, Conger, George, Gorman, Hudson, Lampson, Nelson, and Zuck—9.

Title read and approved.

Assembly Bill No. 163—An Act to add a new section to the Penal Code of the State of California, to be known as section three hundred and eight, relative to the sale of intoxicating liquors at retail.

Read third time.

Mr. Dickinson moved that the bill be recommitted, with instructions to strike out the words "owner or."

Upon which the ayes and noes were demanded by Messrs. Burt, Hill, and Enos, with the following result:

AYES—Messrs. Brown, Conger, Dickinson, Enos, Glascock, Gorman, Hittell, Kelly, Lampson, Nelson, Pardee, Pool, Ryan, Sears, Traylor, and Watson—16.

NOES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, George, Harlan, Hill, Hudson, Johnson, Johnston, Langford, Moreland, Nye, Rowell, Satterwhite, West, and Zuck—20.

Lost.

Upon the passage of the bill the roll was called, and the bill, not receiving the constitutional majority required, was declared lost by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Davis, George, Glascock, Harlan, Hill, Hudson, Johnston, Langford, Moreland, Nye, Rowell, Satterwhite, West, and Zuck—19.

NOES—Messrs. Brown, Conger, Dickinson, Enos, Gorman, Hittell, Johnson, Kelly, Lampson, Nelson, Pardee, Pool, Ryan, Sears, Traylor, and Watson—16.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate refused to pass Assembly Bill No. 163.

Mr. Nye gave notice that, on to-morrow, he would move to reconsider the motion by which the amendment to Senate Bill No. 501 (substitute) adding a section amending section five hundred and fourteen of the Political Code, so as to make the salary of Deputy Superintendent two thousand four hundred dollars, was lost.

Assembly Bill No. 45 passed temporarily.

Mr. Dickinson moved that Assembly Bill No. 130 be recommitted to Mr. Traylor, with instructions to amend by striking out the word "forty" and inserting the words "thirty-five."

Carried.

Mr. Ryan moved to recommit Assembly Bill No. 45, with special instructions to amend as follows: Amend section three by striking out the words "that he is an actual settler thereon," lines eleven and twelve, and inserting after the word "same," line nineteen, the following, "*provided*, in case the land described in his application is suitable for cultivation, he must state that he is an actual settler on said land."

Also, amend section four by striking out the words "that he is an actual settler thereon," on lines nine and ten, and inserting after the word "acres," on line thirteen, the following, "*provided*, in case the land described in his application is suitable for cultivation, he must state in his application that he is an actual settler on said land."

Lost.

Assembly Bill No. 45—An Act to amend sections three thousand four hundred and fifteen, three thousand four hundred and sixty-six, three thousand four hundred and ninety-five, three thousand five hundred, and three thousand five hundred and forty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to the public lands of this State.

Read third time, and the bill passed by the following vote:

AYES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, West, and Zuck—29.

NOES—Messrs. Anderson, Cheney, and Traylor—3.

Title read and approved.

Mr. Sears moved that the Senate bills on third reading file be taken up and considered during the rest of the evening.

Carried.

Senate Bill No. 407—An Act to empower the Board of State Harbor Commissioners to adjust, audit, and pay the claim of W. H. Martin & Co.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hudson, Johnson, Johnston, Kelly, Neumann, Pool, Ryan, Satterwhite, Traylor, and Zuck—23.

NOES—Messrs. Carlock, Hill, Hittell, Langford, Nelson, Nye, Rowell, Sears, and West—9.

Title read and approved.

By Mr. Traylor (by leave):

SENATE CHAMBER, SACRAMENTO, April 12th, 1880.

MR. PRESIDENT: Your committee to whom Assembly Bill No. 130—An Act to amend section six hundred and ninety-one of the Political Code, approved March eighteenth, eighteen hundred and seventy-eight, relating to Notaries Public—was referred with special instructions, beg leave to report said bill with amendment, and recommend that said bill shall keep the place it had on the file.

W. W. TRAYLOR.

Senate Bill No. 284—An Act to amend an Act entitled an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Moreland, Nelson, Neumann, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—30.

NOES—Messrs. Johnson, Langford, and Nye—3.

Title read and approved.

Senate Bill No. 454 withdrawn by the author.

Senate Bill No. 123—An Act to amend section one thousand two hundred and eighty-one of the Political Code.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—32.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 19—Relative to establishing closer commercial intercourse, by treaties, with Mexico, Guatemala, Costa Rica, San Salvador, Honduras, and Nicaragua.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, and Zuck—30.

NOES—None.

Title read and approved.

Senate Bill No. 243—An Act to amend sections three thousand four hundred and ninety-five and three thousand four hundred and ninety-eight of the Political Code, relating to affidavits of applicants to purchase portions of the sixteenth and thirty-sixth sections.

Read third time.

Mr. Zuck moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Enos, Zuck, and Hill, with the following result:

AYES—Messrs. Baker, Burt, Brown, Cheney, Davis, Dickinson, George, Glascock, Hill, Hittell, Hudson, Lampson, Langford, Neumann, Nye, Rowell, Satterwhite, Sears, Traylor, and Zuck—20.

NOES—Messrs. Anderson, Carlock, Chase, Conger, Enos, Gorman, Johnson, Kelly, Moreland, Pool, Ryan, and West—12.

Carried.

Senate Bill No. 387—An Act to amend section three hundred and ninety-seven of the Penal Code, relating to the sale of intoxicating liquors to drunkards, or Indians, and to repeal an Act entitled "An Act to prevent the sale of intoxicating liquors to minors," approved March fourth, eighteen hundred and seventy-two.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—34.

NOES—None.

Title read and approved.

Senate Bill No. 500—An Act to provide for the future management

of the Insane Asylums of the State, and to amend sections two thousand one hundred and thirty-six, two thousand one hundred and thirty-seven, two thousand one hundred and thirty-nine, two thousand one hundred and forty, two thousand one hundred and fifty, two thousand one hundred and fifty-two, two thousand one hundred and fifty-four, two thousand one hundred and sixty-eight, two thousand one hundred and sixty-nine, two thousand one hundred and eighty-three, two thousand one hundred and ninety-three, two thousand one hundred and ninety-seven, two thousand one hundred and ninety-eight, two thousand one hundred and ninety-nine, two thousand two hundred, and two thousand two hundred and twenty, of the Political Code, relating to the Insane Asylums of the State, and to add a new section thereto, to be known as section two thousand one hundred and fifty-six.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, West, and Zuck—24.

NOES—Messrs. Anderson, Conger, Glascock, Gorman, Kelly, Langford, Moreland, Pool, Ryan, and Satterwhite—10.

Title read and approved.

Senate Bill No. 482—An Act for the better preservation of fish, by providing and maintaining fish screens at the heads of mining and irrigating ditches.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—34.

NOES—None.

Title read and approved.

At nine o'clock and fifty-one minutes P. M. Mr. Zuck moved to adjourn.

Lost.

Leave of absence granted Messrs. Cheney and Glascock for the rest of the evening.

Senate Bill No. 483—An Act to amend section six hundred and twenty-eight of the Penal Code, relative to the destruction of deer, antelope, elk, and other animals.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Davis, Dickinson, George, Harlan, Johnston, Lampson, Langford, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, and West—21.

NOES—Messrs. Gorman, Hill, Hittell, Hudson, Kelly, Moreland, Rowell, and Zuck—8.

Title read and approved.

Senate Bill No. 185—An Act to amend sections four thousand two hundred and fifteen and four thousand two hundred and sixteen of the Political Code, relating to the duties of Auditors.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Dickinson, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—29.

NOES—None.

Title read and approved.

Senate Bill No. 376—An Act to add a new section to the Political Code, to be known as section four thousand and forty-eight, providing for the redemption of county bonds in certain cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Dickinson, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—28.

NOES—None.

Title read and approved.

ADJOURNMENT.

At ten o'clock and two minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, April 13th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

The Journal of yesterday read and approved.

Mr. Johnson, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Assembly Bill No. 163 was lost.

Upon which the ayes and noes were demanded by Messrs. Johnson, Burt, and Brown, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, George, Glascock, Harlan, Hill, Hudson, Johnson, Johnston, Moreland, Nye, Rowell, Satterwhite, West, and Zuck—20.

NOES—Messrs. Brown, Byrnes, Conger, Gorman, Hittell, Kelly, Lampson, Langford, Nelson, Neumann, Pardee, Pool, Sears, Traylor, and Watson—15.

Carried.

Assembly Bill No. 163—An Act to amend section three hundred and thirty-six of the Penal Code, in relation to games of chance at places where liquor is sold.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Davis, George, Glascock, Harlan, Hill, Hudson, Johnson, Johnston, Langford, Moreland, Nye, Rowell, Satterwhite, West, and Zuck—21.

NOES—Messrs. Brown, Byrnes, Conger, Dickinson, Enos, Gorman, Hittell, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Sears, Traylor, and Watson—17.

Title read and approved.

REPORT OF STANDING COMMITTEES.

By Mr. Rowell:

MR. PRESIDENT: Your Committee on County and Town Governments, to whom was referred Assembly Bill No. 499, herewith report the same back to the Senate, and recommend that it go on file for passage, provided Senate Bill No. 435, which is the exact counterpart of Assembly Bill No. 499, and which passed the Senate last week, does not pass the Assembly.

ROWELL, for the Chairman.

By Mr. Hittell:

MR. PRESIDENT: The Committee on City and Town Governments, to whom was referred Senate Bills Nos. 133, 136, 302, 333, and 361, have had the same under consideration, and report the same back to the Senate without recommendation.

Several of the bills are good ones, but there is no possibility, in the time left, to pass them.

HITTELL, Chairman.

Mr. Johnson offered the following as a correction to the title to Assembly Bill No. 163: Amend title by adding thereto the words "or where cigars and tobacco are sold at retail."

Which correction, by unanimous consent, was ordered.

Mr. Hill gave notice that, on to-morrow, he would call for a report from the Committee on Commerce and Navigation, in relation to Senate Bill No. 405.

Mr. Enos gave notice that, on to-morrow, he would call for a report from the Committee on Corporations, in relation to Senate Bill No. 450.

By Mr. Brown:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 386—An Act to amend sections two thousand six hundred and forty-seven and two thousand six hundred and fifty of the Political Code, relating to duties of Commissioners of Highways, Boards of Supervisors, and Road Overseers—have had same under consideration, and report same back, with recommendation that it do not pass, for the reason that Senate Bill No. 425 contains the same provisions.

Also, report back Senate Bill No. 498—An Act concerning road poll taxes—with the same recommendation, for the same reason.

Also, report back Senate Bill No. 229—An Act to repeal an Act relating to public roads in the County of El Dorado—with recommendation that it be indefinitely postponed.

BROWN, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 12th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 32—An Act to amend sections seven hundred and twelve, seven hundred and twenty-eight, seven hundred and thirty-two, seven hundred and sixty, seven hundred and seventy-one, seven hundred and seventy-two, eight hundred and eighteen, eight hundred and twenty, eight hundred and fifty, eight hundred and ninety, nine hundred and thirty-five, one thousand one hundred and ninety-seven, one thousand three hundred and thirty, one thousand four hundred and sixty-six, one thousand four hundred and sixty-eight, one thousand four hundred and sixty-nine, one thousand five hundred and fifteen, one thousand five hundred and sixteen, and one thousand five hundred and fifty-six of the Penal Code, providing for certain proceedings before the Superior Courts, or the Judges thereof.

Also, Senate Bill No. 282—An Act to add a new section to the Civil Code, to be known as section three hundred and twenty-seven, to enforce the provisions of section three, of article twelve, of the Constitution.

Also, Senate Bill No. 264—An Act to add a new section to the Penal Code, to be known as section three hundred and nine, to prevent the admission of minors to houses of prostitution.

Also, Senate Bill No. 366—An Act to amend section six hundred and seven of the Penal Code, relating to malicious mischief.

Also, Senate Bill No. 40—An Act to repeal an Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five.

Also, Senate Bill No. 233—An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroner inquests in said Prison.

GEO. C. PERKINS, Governor.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 12th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April twelfth, eighteen hundred and eighty, passed Assembly Bill No. 385—An Act in relation to the public roads and highways in the several counties of this State.

Assembly Bill No. 519—An Act to amend sections of the Political Code, contained in chapters one, two, three, four, and five, part four, title two, and to add other sections thereto, and to establish a system of county governments.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 385, above reported, read first time, and ordered at the head of the file for second reading.

Assembly Bill No. 519, above reported, read first time.

Mr. Satterwhite moved that the bill be referred to the Committee on County and Township Governments.

Mr. Baker moved, as an amendment, that it be referred to the Committee on County and Township Governments, with instructions to report the same back to-morrow morning.

Lost.

The original motion prevailed.

ASSEMBLY CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April sixth, amended, and on April twelfth, eighteen hundred and eighty, passed as amended, Senate Bill No. 313—An Act to provide for the management and control of the State Agricultural Society by the State.

JOHN G. HOWELL, Assistant Clerk.

Upon concurrence in the Assembly amendments to Senate Bill No. 313, above reported, the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Pardee, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—28.

NOES—Messrs. Byrnes, Nye, and Satterwhite—3.

Amendments concurred in.

ASSEMBLY CHAMBER, SACRAMENTO, April 12th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April twelfth, eighteen hundred and eighty, passed Assembly Bill No. 468—An Act concerning roads and highways in counties of the first class, as classified for road purposes in this State.

Also, Senate Bill No. 538—An Act to amend section four hundred and fifty-six of the Civil Code, relative to the debts of railroad corporations and securities therefor, and sales of the property of said corporations.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 468, above reported, read first time, and ordered number two on second reading file.

SECOND READING FILE.

Assembly Bill No. 505—An Act to grant to certain parties therein named the right of way for a railroad from the Town of Truckee, Nevada County, to the Town of Quincy, Plumas County.

Read second time, and ordered on file for third reading.

Assembly Bill No. 501—An Act to amend sections three hundred and eighty-four, three hundred and eighty-five, three hundred and eighty-six, four hundred and seventeen, four hundred and eighteen, four hundred and nineteen, four hundred and twenty, four hundred and twenty-two, four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty, four hundred and forty-one, four hundred and fifty-five, four hundred and fifty-six, four hundred and seventy-one, four hundred and seventy-two, four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six, five hundred, five hundred and fourteen, five hundred and sixteen, two thousand one hundred and thirteen, two thousand one hundred and fourteen, two hundred and sixty-seven, three hundred and ninety-six, three hundred and ninety-seven, four hundred and fifty-seven, two thousand three hundred and two, two thousand three hundred and three, six hundred and twenty-eight, six hundred and twenty-nine, seven hundred and fifty-five, and seven hundred and fifty-six, and to repeal sections four hundred and ninety-nine, six hundred and eighty-five, and four hundred and twenty-one of the Political Code, relative to the salaries of State officers, deputies, and clerks.

Mr. Dickinson moved to amend section twenty-eight by striking out the same.

Upon which the ayes and noes were demanded by Messrs. Baker, Moreland, and Johnson, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Cheney, Dickinson, Enos, Glasecock, Johnson, Kelly, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—17.

NOES—Messrs. Baker, Chase, Conger, Davis, George, Gorman, Harlan, Hall, Hittell, Hudson, Johnston, Lampson, Moreland, Nelson, Pardee, Rowell, West, and Zuck—18.

Lost.

Mr. Dickinson moved to strike out section thirty.

Upon which the ayes and noes were demanded by Messrs. Hill, Davis, and Burt, with the following result:

AYES—Messrs. Anderson, Byrnes, Dickinson, Neumann, Ryan, and Satterwhite—6.

NOES—Messrs. Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glasecock, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, and Zuck—29.

Lost.

Mr. Satterwhite moved to amend section twenty-eight by striking out the words "two thousand four hundred," and inserting the words "three thousand."

President pro tem. Baker in the chair.

Mr. Moreland raised the point of order that the amendment was not in order, because it was the same motion in effect as the one made by Mr. Dickinson.

The Chair ruled the amendment in order.

Mr. Moreland appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the

judgment of the Senate?" the roll was called, with the following result:

AYES—Messrs. Anderson, Byrnes, Carlock, Chase, Cheney, Dickinson, Enos, George, Glascock, Harlan, Hudson, Johnson, Kelly, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—23.

NOES—Messrs. Burt, Conger, Davis, Hill, Hittell, Johnston, Lampson, Moreland, Nelson, Rowell, and West—11.

Decision of the Chair sustained.

President Mansfield in the chair.

The question now recurred upon the amendment of Mr. Satterwhite.

Upon which the ayes and noes were demanded by Messrs. Sears, Hill, and Burt, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Dickinson, Enos, Glascock, Johnson, Kelly, Lampson, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—21.

NOES—Messrs. Baker, Burt, Chase, Conger, Davis, George, Harlan, Hill, Hittell, Johnston, Moreland, Nelson, Pardee, and Rowell—14.

Adopted.

Mr. Dickinson moved to strike out section thirty-one.

Upon which the ayes and noes were demanded by Messrs. Burt, Moreland, and Zuck, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Gorman, Johnson, Johnston, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Traylor, and Watson—20.

NOES—Messrs. Baker, Burt, Davis, Enos, George, Glascock, Harlan, Hill, Hittell, Lampson, Moreland, Nye, Rowell, Sears, West, and Zuck—16.

Adopted.

Mr. Johnson moved to amend section thirty-six by striking out the word "May," in line two, printed bill, and inserting in lieu thereof the word "July."

Adopted.

Mr. Hittell moved to amend section thirty-four as follows: Add at the end thereof the words "each Bailiff one thousand two hundred dollars."

Adopted.

Mr. Dickinson moved to amend section one as follows:

SECTION 1. Section three hundred and thirty-two of the Political Code is hereby amended so as to read as follows:

Section 332. All officers, Boards of Officers, Commissioners, Trustees, Regents, and Directors, required by law to make reports to the Governor or Legislature, except the Controller of State, must send such reports to the Governor before the first day of November, in the year eighteen hundred and eighty, and in every second year thereafter. The Railroad Commissioners must send their report to the Governor annually on or before the first day of September.

Adopted.

Mr. Traylor moved to amend section three, line four, printed bill, by inserting after the words "one thousand," the words "six hundred."

Upon which the ayes and noes were demanded by Messrs. Moreland, Enos, and Satterwhite, with the following result:

AYES—Messrs. Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, Johnson, Johnston, Kelly, Lampson, Rowell, Ryan, and Traylor—13.

NOES—Messrs. Baker, Burt, Chase, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Langford, Moreland, Nelson, Nye, Pardee, Satterwhite, Sears, and West—19.

Lost.

Bill read second time.

Mr. Dickinson moved that the Secretary be authorized to renumber the sections.

Carried.

Mr. Johnson moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded by Messrs. Enos, Johnston, and Davis, with the following result:

AYES—Messrs. Brown, Enos, Johnson, Johnston, Langford, Nelson, Nye, Pardee, and Satterwhite—9.

NOES—Messrs. Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Kelly, Lampson, Moreland, Rowell, Ryan, Sears, Taylor, and West—23.

Lost.

Bill ordered on file for third reading.

Senate Bill No. 30 indefinitely postponed.

Senate Bill No. 355 passed on file.

Senate Bill No. 488—An Act to amend section three thousand four hundred and ten of the Political Code, relating to the payment for services rendered the State by the Registers and Receivers of the United States Land Offices.

Read second time, and ordered engrossed.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Burt:

SENATE CHAMBER, April 13th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bills Nos. 34 and 175, and that the same have this day been placed in the hands of the Governor, at ten o'clock and thirty minutes A. M.

HUDSON, Chairman.

Senate Bill No. 489—An Act to amend sections three thousand four hundred and fourteen and three thousand four hundred and fifteen of the Political Code, relating to contests of the approval of surveys of public lands.

Read second time, and ordered engrossed.

Senate Bill No. 511 withdrawn by the author.

Assembly Bill No. 200 indefinitely postponed.

Senate Bill No. 515—An Act to appropriate money for the support of aged and infirm women.

Read second time.

Senate considered as in Committee of the Whole, and bill ordered engrossed.

Assembly Bill No. 527—An Act to amend section three thousand six hundred and sixty-three of the Political Code, relating to revenue.

Read second time, and ordered at the head of file for third reading.

Assembly Bill No. 25 indefinitely postponed.

Assembly Bill No. 158—An Act making appropriation for deficiency for the thirtieth and thirty-first fiscal years for payment of armory rents, purchase of arms, and other expenses of the National Guard of California.

Read second time, and ordered on file for third reading.

Senate Bill No. 531 passed on file.

Assembly Bill No. 211—An Act to amend sections nine hundred and ninety-five, one thousand and sixteen, one thousand and seventeen, one thousand and twenty, one thousand and twenty-three, and one thousand and forty-one, of the Penal Code, relative to pleadings and proceedings after indictment, and before the commencement of the trial.

Read second time.

Senate considered as in Committee of the Whole.

Amendments adopted in Senate, and bill ordered on file for third reading.

Assembly Bill No. 111 indefinitely postponed.

Assembly Bill No. 580—An Act to protect the school districts of this State from injury during the year eighteen hundred, and eighty by the operation of section twelve, of article thirteen, of the Constitution.

Taken up out of order.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—31.

NOES—None.

Title read and approved.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 580 was passed.

Mr. George moved that Assembly Bill No. 459 be now taken up for consideration.

Roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Sears, Traylor, and West—27.

NOES—Messrs. Dickinson, Langford, Moreland, Nye, Rowell, Ryan, Satterwhite, and Zuck—8.

Carried.

Assembly Bill No. 459—An Act to regulate and provide for a day of rest in certain cases.

Read second time.

Mr. Dickinson offered the following amendment: Amend by adding after the words "night's work," the words "and during such time the said persons shall go to and remain in bed and rest preparatory to the work of the coming week."

Mr. Johnson raised the point of order that the amendment was not germane to the subject matter.

The Chair ruled the point well taken, and that the amendment was trifling and not germane to the subject.

Mr. Dickinson appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the roll was called, with the following result:

AYES—Messrs. Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—32.

NOES—Messrs. Byrnes and Dickinson—2.

Decision of the Chair sustained.
Bill ordered on the file for third reading.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes p. m.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hall, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Special order for one o'clock and thirty minutes p. m. continued on motion of Mr. Dickinson, and made the special order for three o'clock p. m.

THIRD READING FILE.

Assembly Bill No. 199—An Act to amend section three thousand four hundred and ninety-five of the Political Code, relating to reservation of public lands for Indians.

Read third time.

Mr. Johnson moved that the bill be recommitted to the committee, with special instructions.

Carried.

Assembly Bill No. 130—An Act to amend section seven hundred and ninety-one of the Political Code, approved March eighteenth, eighteen hundred and seventy-eight, relating to Notaries Public.

Amendments adopted.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Cheney, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—29.

NOES—None.

Title read and approved.

Assembly Bill No. 142—An Act to amend the Penal Code, by adding a new section thereto, to be known as section five hundred and thirty-six, relative to cheats.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—34.

NOES—None.

Title read and approved.

Assembly Bill No. 118—An Act to amend section one thousand three hundred and eighteen of an Act entitled "An Act to establish a Code

of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relative to the contesting of the probate of wills.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—34.

NOES—Mr. Lampson—1.

Title read and approved.

Assembly Bill No. 148—An Act to amend an Act entitled "An Act to enable certain parties therein named to alienate or incumber homesteads," approved March twenty-fifth, eighteen hundred and seventy-four.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, and Zuck—27.

NOES—Messrs. Chase, Conger, George, Johnson, Kelly, Moreland, Sears, and West—8.

Title read and approved.

Mr. Satterwhite gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 148 was passed.

Mr. Sears, by leave, called up Assembly Bill No. 363—An Act to amend section two thousand nine hundred and fourteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to wharves.

Read second time, and ordered on file for third reading.

Assembly Bill No. 149—An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March twenty-third, eighteen hundred and seventy-two.

Ordered recommitted to Mr. Nye, with special instructions.

Assembly Bill No. 170—An Act to amend section five hundred and twenty-nine of the Code of Civil Procedure, in relation to injunctions.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—32.

NOES—Messrs. Davis, Johnson, and Moreland—3.

Title read and approved.

By Mr. Nye (by leave):

MR. PRESIDENT: The undersigned, to whom was committed Assembly Bill No. 149—an Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March twenty-third, eighteen hundred and seventy-two—now returns the same to the Senate amended as directed.

STEPHEN G. NYE.

Assembly Bill No. 185—An Act to amend section six hundred and ninety of the Penal Code, relative to disclosing the contents of a telegraphic message.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Langford, Nye, Pool, Rowell, Ryan, Sears, and Zuck—24.

NOES—Messrs. Chase, George, Hudson, Lampson, Moreland, Nelson, Neumann, Traylor, and West—9.

Title read and approved.

The President received the following dispatch from Bodie:

BODIE, CALIFORNIA, April 13th, 1880.

To President of Senate:

The Senate amendments to additional Judge bill destroy its value. Two reliefs are sought: *First*—Facilitation of business. *Second*—Reduction of taxation. This amended bill may facilitate business, but will increase taxation. A Court in Bodie will reduce county expenses twenty thousand dollars annually on mileage alone. We prefer no bill to the amendments. Telegrams, letter petitions sent from here, represent nine-tenths of taxable property in county. An additional Judge in Bodie is absolutely necessary. The premature aspirations of a few lawyers should not interfere with the necessities of an entire community. We earnestly pray that the Senate Judiciary Committee may withdraw its amendments, and that the Assembly bill be passed.

REINSTEIN & WOLF,
PAT. HOGAN,
H. F. HASTINGS,
McPIEA & McVARISH,
SILAS SMITH,
JOHN FORT,
WELLS, FARGO & COMPANY,
CULLEN McDERMOTT,
H. MAHLSTEDT,

R. L. PETERSON,
RICH BROTHERS,
KIRSCHBRUN SONS,
W. P. HOLMES,
JESSE SUMMERS,
BOONE & WRIGHT,
BOISOT & STEWART,
W. H. POPE,
PAGE & WHEATON.

Senate Bill No. 494—An Act to amend sections four thousand two hundred and four and four thousand and twenty-five, and to repeal section four thousand one hundred and eleven of the Political Code, relating to the election and term of office of Supervisors.

Read third time.

Mr. Ryan moved that the bill be passed on file.

Carried.

Senate Bill No. 495—An Act to add a new section to the Political Code, to be known as section four thousand three hundred and thirty, creating a Salary Fund.

Passed on file.

Senate Bill No. 496 passed on file.

Senate Bill No. 442—An Act to provide for the payment of the amount of interest due to Hastings College of the Law.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, and Watson—24.

NOES—Messrs. Baker, Burt, Brown, Chase, Hill, Johnson, Pardee, and Zuck—8.

Title read and approved.

Senate Bill No. 474—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, relating to Administrators.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—34.

NOES—None.

Title read and approved.

Senate Bill No. 490—An Act to amend section seven hundred and ninety-three of the Civil Code, relating to actions for possession of real property in certain cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—32.

NOES—None.

Title read and approved.

Senate Bill No. 491—An Act to amend section seventy-eight of the Civil Code, relating to actions to determine and declare the validity of marriages in certain cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Chase, Conger, Davis, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and West—50.

NOES—Messrs. Brown, Enos, and Zuck—3.

Title read and approved.

Senate Bill No. 492—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a Trustee may be discharged from his trust.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—32.

NOES—None.

Title read and approved.

Senate Bill No. 502—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—29.

NOES—Mr. Neumann—1.

Title read and approved.

Senate Bill No. 504—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Watson, West, and Zuck—30.

NOES—None.

Title read and approved.

Senate Bill No. 181—An Act to amend sections three hundred and twenty-nine, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight, of the Code of Civil Procedure, relating to the venue in civil actions.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, and West—31.
 NOES—Messrs. Dickinson, Hittell, and Zuck—3.

Title read and approved.

Senate Bill No. 519—An Act appropriating one hundred dollars per month for the purpose of procuring suitable rooms for Hastings College of the Law.

Read third time, and, not receiving a constitutional majority, was declared lost by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Conger, Dickinson, Gorman, Harlan, Hittell, Langford, Nelson, Nye, Pool, Ryan, Satterwhite, Sears, and West—16.

NOES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Davis, Enos, George, Glascock, Hill, Hudson, Johnson, Johnston, Lampson, Moreland, Neumann, Pardee, Traylor, Watson, and Zuck—20.

Mr. Neumann gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 519 failed to pass.

Assembly Bill No. 374—An Act for the promotion of the viticultural industries of the State.

Read third time.

Mr. Johnson moved that the bill be recommitted to the Committee on Agriculture, with special instructions to amend the bill so as to provide for an investigation, and report fully to the Legislature, by the Viticulture Commissioners, upon the question whether or not the cultivation of the grape for wine purposes, and the produce of wine to a larger extent in California would, or would not, promote intemperance.

Upon which the ayes and noes were demanded by Messrs. Johnson, Conger, and Davis, with the following result:

AYES—Messrs. Burt, Chase, George, Harlan, Hill, Johnson, Nye, and Zuck—8.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, and West—28.

Lost.

The question now recurred upon the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, and West—29.

NOES—Messrs. Burt, Chase, George, Harlan, Hill, Nye, and Zuck—7.

Title read and approved.

Special order for three o'clock p. m. continued, on motion of Mr. Johnson, until after the disposition of Assembly Bill No. 543.

Assembly Bill No. 543—An Act to define, regulate, and govern the State Prisons of California.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and West—30.

NOES—None.

Title read and approved.

By unanimous consent the Secretary was authorized to insert in Assembly Bill No. 501 the word "October," instead of the word "November."

SPECIAL ORDER AT THREE O'CLOCK P. M.

Consideration of Governor's message, relative to certain appointments.

The Senate considered as in executive session for the purpose of considering the Governor's appointments.

Upon the question, "Will the Senate advise and consent to the appointment of John F. Kessing, Inspector of Gas Meters, vice George, term expired?" the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Nelson, Neumann, Nye, Rowell, Ryan, Sears, Traylor, Watson, and West—29.

NOES—None.

Whereupon the President announced that the appointment of John F. Kessing, as Inspector of Gas Meters, was unanimously confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Oliver Eldredge, Pilot Commissioner for the Ports of San Francisco, Mare Island, and Benicia, vice Gallup, term expired?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Harlan, Hill, Hudson, Johnston, Lampson, Moreland, Nelson, Neumann, Nye, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—30.

NOES—Mr. Gorman—1.

Whereupon the President announced that the appointment of Oliver Eldredge, as Pilot Commissioner for the Ports of San Francisco, Mare Island, and Benicia, was duly confirmed.

Mr. Traylor moved that Assembly amendments to Assembly Bill No. 362 be taken up.

Upon which the ayes and noes were demanded by Messrs. Enos, Moreland, and Conger, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, West, and Zuck—26.

NOES—Messrs. Conger, Enos, Glascock, Gorman, Langford, Moreland, and Nelson—7.

The motion prevailed.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April ninth, eighteen hundred and eighty, amended, and on April twelfth, eighteen hundred and eighty, passed as amended, Senate Bill No. 362—An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, of article eleven, of the Constitution of this State.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 362, above reported, now taken up.

Assembly amendments read, and concurred in by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, George, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—25.

NOTES—Messrs. Burt, Conger, Enos, Gorman, Hill, Kelly, Moreland, Nelson, Satterwhite, and West—10.

RESOLUTION.

By Mr. Johnson (by leave):

Resolved, First—That the sum of nine hundred and sixteen dollars and forty cents (\$916 40) be and the same is hereby appropriated out of the Contingent Fund of the Senate, the same being the expenses incurred by James D. Byrnes in the contested election case of Byrnes vs. Desty, as per inclosed schedule.

Second—That the Controller of State be and he is hereby authorized and instructed to draw his warrant in favor of said James D. Byrnes for said amount of nine hundred and sixteen dollars and forty cents \$916 40., and the Treasurer of State is hereby instructed to pay the same.

Read, and referred to the Committee on Contingent Expenses and Mileage.

REPORTS OF STANDING COMMITTEES.

By Mr. Baker (by leave):

SENATE CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: Your Committee on Public Buildings, to whom were referred Senate Bill No. 3—An Act to provide for the purchase of a Governor's mansion.

And Senate Bill No. 557—An Act making appropriation for deficiency in the appropriation for the permanent improvement of the State Capitol grounds lying east of the State Capitol building.

Would respectfully report that they have considered the same, and report them back without any recommendation.

They also return to the Senate the memorial of citizens of Chico praying for the establishment of a Normal School in that town.

BAKER, Chairman.

Also:

SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: Your Committee on Federal Relations, to whom were referred Senate Joint Resolution No. 14—Relative to Southern Pacific Railroad Company.

Assembly Joint Resolution No. 4—Relative to the construction of a canal across the Isthmus of Darien.

Senate Joint Resolution No. 7—Relative to surveys of Mexican land grants.

And Assembly Joint Resolution No. 12—Relative to Government lands in the State of California.

Would report that they have considered the same, and recommend their passage.

They have also considered Senate Resolution No. — Relative to performance of certain duties by the Attorney-General—and report the same back without recommendation.

Also, report back petition of certain citizens in regard to modification of the Burlingame treaty.

BAKER, Chairman.

By Mr. Cheney:

SENATE CHAMBER, April 13th, 1880.

MR. PRESIDENT: Your Committee on Engrossment have examined, and report as correctly engrossed, the following Senate bills, viz.: Senate Bill No. 488—An Act to amend section three thousand four hundred and ten of the Political Code, relating to the payment for services rendered the State by the Registers and Receivers of the United States Land Offices.

Senate Bill No. 489—An Act to amend sections three thousand four hundred and fourteen and three thousand four hundred and fifteen of the Political Code, relating to contests of the approval of surveys of public lands.

CHENEY, Chairman.

Assembly Bill No. 112—An Act to repeal sections two, three, and six, and to amend section four of an Act entitled an Act to provide

for the payment of certain bonds of the County of Lake, in relation to an Assessor and Collector.

Taken up out of order, read second time, and ordered on file for third reading.

By Mr. Zuck (by leave):

SENATE CHAMBER, SACRAMENTO, April 13th, 1880.

Mr. PRESIDENT: The Committee on Contingent Expenses and Mileage, recommend the adoption of the following resolution, viz.:

Resolved, That James T. Cousins be and he is hereby allowed the sum of five dollars for the use of his hack by the Sergeant-at-Arms in the arrest of Senator Kane, payable out of the appropriation for the contingent expenses of the Senate.

Also, have had the following under consideration, viz.:

Resolved, That the Clerk of the Committee on Mines and Mining be and he is hereby allowed the sum of one dollar per day from the twenty-first day of January, eighteen hundred and eighty, payable out of the Contingent Fund of the Senate.

And recommend that the same be not adopted.

Also the following:

Resolved, That the Sacramento Ice Company be and it is hereby allowed the sum of sixty-four dollars and fourteen cents for ice furnished the Senate, said sum being payable out of the appropriation for the contingent expenses of the Senate.

And recommend that the same be adopted.

Also the following, viz.:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Treasurer for the sum of three hundred and seventy-three and thirty-five one-hundredths (373 35-100) dollars, payable out of the Contingent Fund of the Senate, in favor of Hon. Geo. W. Tyler, Chairman of the Joint Committee on State Prison of the Senate and Assembly; the same being the amount due from the Senate for the payment of one-half the mileage and fees of witnesses called before the committee in the matter of the investigation of the Branch State Prison at Folsom.

And recommend the adoption of the following as a substitute for the same:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Treasurer for the sum of two hundred and twenty-one and twenty one hundredths dollars, payable out of the appropriation for the contingent expenses of the Senate, in favor of Hon. Geo. W. Tyler, Chairman of the Joint Committee on State Prison of the Senate and Assembly; the same being the amount due from the Senate for the payment of the Senate's share of mileage and fees of the following witnesses called before the committee in the matter of the investigation of the Branch State Prison at Folsom, viz.:

Thos. Stephenson	\$ 4 60
J. W. Duncan	5 20
Jno. L. Grant	5 20
Jas. Haworth	9 40
Peter McCubbin	10 40
Jno. A. O'Dell	4 20
D. McHenry	12 40
J. B. Kelley	11 40
M. Miles	11 40
E. Casey	9 40
Jno. Breslin	9 40
Willis Davis	9 40
Robt. Orford	9 40
Jno. McFadden	9 40

\$121 20

Wm. Curlett, expert

100 00

\$221 20

Also the following, viz.:

Resolved, That the Record-Union be paid the sum of eleven dollars out of the Contingent Fund of the Senate for the publication of order of inaugural ceremonies.

And recommend that the same be adopted.

Also, the following, viz.:

Resolved, That W. B. Miller be and he is hereby allowed the sum of seventy-five dollars, payable out of the Contingent Fund, for taking care of the clocks of the Senate Chamber during the present session.

And recommend that the same be not adopted.

Also, recommend the adoption of the following resolution, viz:

Resolved, That Pat McDonough, P. Golden, Ed. Grogan, Jno. R. True, Henry Gillen, Dan Gillen, James P. Wickham, and C. F. Hartwell be allowed the sum of eight dollars and ten cents each, and C. B. Seeley twelve dollars and ten cents for mileage and fees, in attending before the Committee on Public Building in the matter of the investigation in regard to the Napa State Insane Asylum, said sums being payable out of the appropriation for the contingent expenses of the Senate.

Also, recommend the adoption of the following, viz.:

Resolved, That A. Wasson be and he is hereby allowed the sum of fifty-three dollars, payable out of the appropriation for the contingent expenses of the Senate, being in full of all demands, enumerated in the following, viz.:

To serving subpoena on J. J. Smith of San Francisco, in the matter of the investigation of the Napa Insane Asylum-----	\$20 00
To serving subpoena as above on Pat McDonough, P. Golden, Ed. Grogan, John R. True, Henry Gillen, Dan Gillen, James P. Wickham, C. B. Seeley, and C. F. Hartwell, all of Napa City:-----	
Fare to and from Napa City-----	\$7 50
Hire of man for two days-----	6 00
Incidental expenses-----	5 00
	\$20 50
To washing towels for the term-----	10 00
To one new lock-----	2 50
	12 50
Total-----	\$53 00

ZUCK, Chairman.

Resolution relating to the payment of the claim of James T. Cousins adopted.

Resolution relating to the payment of the claim of the Clerk of the Committee on Mines and Mining lost.

Mr. George introduced the following minority report:

SENATE CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved, That the Clerk of the Committee on Mines and Mining be and he is hereby allowed the sum of one dollar per day from the twenty-first day of January, eighteen hundred and eighty, payable out of the Contingent Fund of the Senate.

Report, and the undersigned recommend that the same be adopted.

WM. GEORGE,
T. K. NELSON.

Resolution relating to the claim of the Sacramento Ice Company for sixty-four dollars and fourteen cents adopted.

Resolution relating to the claim of George W. Tyler, as offered by the Committee as a substitute for the original.

Upon the adoption of which the ayes and noes were demanded by Messrs. Enos, Pardce, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Cheney, Conger, Davis, George, Glascock, German, Harlan, Hill, Hudson, Lampson, Moreland, Nelson, Rowell, Ryan, Satterwhite, Sears, West, and Zuck—23.

NOES—Messrs. Dickinson, Enos, Hittell, Johnson, Johnston, Kelly, Neumann, Nye, Pardce, Pool, Traylor, and Watson—12.

Adopted.

Resolution relating to the claim of the Record-Union adopted.

Resolution relating to the claim of W. B. Miller lost.

Resolution relating to the claims of P. Golden and others adopted.

Resolution relating to the claim of A. Wasson adopted.

By M. Zuck:

SENATE CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved, That the Clerk to the Committee on Fisheries and Game be and he is hereby allowed the sum of seventy-five dollars for services rendered the committee from February nineteenth, to the end of the session, payable out of the Contingent Fund of the Senate.

And the undersigned recommend that the same be not adopted, as the same is in conflict with section twenty-three, of article four, of the Constitution.

JAS. C. ZUCK.
W. W. MORELAND.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved, That the Clerk to the Committee on Fisheries and Game be and he is hereby allowed the sum of seventy-five dollars for services rendered the committee from February nineteenth to the end of the session, payable out of the Contingent Fund of the Senate.

And the undersigned recommend that the same be adopted.

A. B. CARLOCK.
T. K. NELSON.

By Mr. Carlock:

SENATE CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved, That the Secretary of the Senate, and each Assistant Secretary, be and they are hereby allowed the sum of one hundred dollars each, as compensation for their services in preparing the weekly history of Senate bills during this session.

And the undersigned report the same with a substitute, and recommend the adoption of the substitute:

Resolved, That the Secretary of the Senate be directed to revise the weekly history of Senate bills, and, after the Governor shall have acted upon all Senate bills presented to him, to publish and forward by mail to each Senator two copies of a history of Senate bills for the Twenty-third Session, and that the Secretary and the Assistant Secretaries be and they are hereby allowed the sum of one hundred dollars each, payable out of the appropriation for the Contingent Expenses of the Senate, for their services during the session, and to be rendered after the adjournment in preparing the history, and forwarding copies of the same to the members of the Senate.

A. B. CARLOCK,
T. K. NELSON,
WM. GEORGE.

Upon the adoption of which the ayes and noes were demanded by Messrs. Enos, Nelson, and Zuck, with the following result:

AYES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Hittell, Johnson, Johnston, Kelly, Lampson, Nelson, Neumann, Pardee, Pool, Ryan, Traylor, Watson, and West—23.

NOES—Messrs. Baker, Burt, Gorman, Harlan, Hill, Langford, Moreland, Nye, Rowell, Sears, and Zuck—11.

Resolution adopted.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

Resolved, That the Secretary of the Senate, and each Assistant Secretary, be and they are hereby allowed the sum of one hundred dollars each, as compensation for their services in preparing the weekly history of Senate bills during this session.

And the undersigned report and recommend that the same be not adopted, because the same is in conflict with the provisions of section twenty-three, article four, of the Constitution.

JAS. C. ZUCK.
W. W. MORELAND.

RECESS.

At five o'clock and twenty-four minutes P. M., on motion of Mr. Pardee, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Sears moved that the Senate take up Senate Bill No. 563 out of order.

Carried.

Senate Bill No. 563—An Act to provide for the payment of the salaries and expenses of the Board of Railroad Commissioners for the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck—31.
 NOES—Mr. Burt—1.

Title read and approved.

Mr. Zuck moved to recommit Assembly Bill No. 472 to Mr. Satterwhite, with special instructions.

Carried.

Mr. Satterwhite verbally reported back Assembly Bill No. 472, amended as ordered by the Senate.

On motion of Mr. Dickinson, Senate Bill No. 131 was ordered taken up for concurrence in Assembly amendments.

Mr. Brown moved that the bill be referred to the Judiciary Committee, with instructions to examine as to Assembly amendments.

Carried.

THIRD READING FILE.

Assembly Concurrent Resolution No. 23—Relative to the establishment of a quarantine station on Angel Island.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and West—33.
 NOES—None.

Title read and approved.

Assembly Bill No. 277—An Act making appropriation for deficiency in the appropriation for the permanent improvement of the State Capitol grounds lying east of the State Capitol building.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, and Traylor—29.

NOES—Messrs. Hittell, Neumann, and Satterwhite—3.

Title read and approved.

Assembly Bill No. 589—An Act to provide for the erection of a building for the insane at the State Insane Asylum at Stockton.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, and West—31.

NOES—Messrs. Burt, Davis, Moreland, and Nelson—4.

Title read and approved.

Assembly Bill No. 260—An Act to amend an Act entitled "An Act to organize Levee District Number One, of Sacramento County, and to provide for its government," approved March thirtieth, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Traylor, and West—33.

NOES—Mr. Rowell—1.

Title read and approved.

Assembly Bill No. 324—An Act to amend section four thousand and twenty-six of the Political Code.

Read third time.

Mr. Hill moved that the bill be passed on file.

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, and West—32.

NOES—Messrs. Hill, Neumann, and Rowell—3.

Title read and approved.

Assembly Bill No. 274—An Act to authorize and empower the Boards of Supervisors of the several counties of this State to allow certain outstanding road claims and provide for their payment.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Harlan, Johnson, Johnston, Nelson, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, West, and Zuck—24.

NOES—Messrs. Baker, Davis, George, Gorman, Hill, Hittell, Hudson, Kelly, Langford, Moreland, Neumann, and Rowell—12.

Title read and approved.

Assembly Bill No. 99—An Act to amend sections five hundred and ninety-six and six hundred and thirty-three of the Political Code, relating to life insurance.

Mr. Brown moved to recommit the bill to the Committee on Corporations.

Lost.

Read third time.

The roll was called, and not receiving a constitutional majority, was declared lost by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Cheney, Conger, Davis, Enos, George, Harlan, Hudson, Nye, Pardee, Pool, Rowell, Sears, Traylor, West, and Zuck—18.

NOES—Messrs. Baker, Brown, Carlock, Chase, Dickinson, Glascock, Gorman, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Satterwhite, and Watson—18.

Mr. Dickinson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 99 was lost.

Assembly Bill No. 100—An Act to amend "An Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents," approved April second, eighteen hundred and sixty-six.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Enos, George, Harlan, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, West, and Zuck—24.

NOES—Messrs. Baker, Brown, Conger, Gorman, Hill, Kelly, Lampson, Moreland, Nelson, Satterwhite, and Watson—11.

Title read and approved.

Mr. Dickinson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate passed Assembly Bill No. 324.

Assembly Bill No. 134—An Act to amend section three hundred and one of the Penal Code, in relation to keeping open places of business on Sunday.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, and West—27.

NOES—Messrs. Byrnes, Moreland, Nelson, and Pool—4.

Title read and approved.

Assembly Bill No. 28—An Act to amend an Act entitled an Act to amend section two hundred and ninety-nine of the Civil Code of California, approved March twenty-second, eighteen hundred and seventy-eight.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, and West—32.

NOES—None.

Title read and approved.

Assembly Bill No. 557—An Act to provide an additional Judge of the Superior Court for the County of Mono.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Moreland, Nelson, Neumann, Pardee, Pool, Rowell, Sears, Traylor, Watson, West, and Zuck—28.

NOES—Messrs. Baker, Burt, Brown, Chase, Glascock, and Nye—6.

Title read and approved.

Assembly Bill No. 415—An Act to provide for the establishment and maintenance of a Mining Bureau.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Traylor, Watson, West, and Zuck—33.

NOES—Messrs. Gorman and Sears—2.

Title read and approved.

Senate Bill No. 476—An Act to add a new chapter, to be known as chapter six, consisting of five new sections, to be known as sections four thousand four hundred and forty-five, four thousand four hundred and forty-six, four thousand four hundred and forty-seven, four thousand four hundred and forty-eight, and four thousand four hundred and forty-nine, to title three, of part four, of the Political Code, relating to and providing for the funding and refunding of city indebtedness.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—32.

NOES—Mr. Lampson—1.

Title read and approved.

Senate Bill No. 308—An Act to provide for the recovery of damages for death or injuries caused by the use of intoxicating liquors.

Read third time, and, upon the passage, the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Chase, Cheney, Davis, Dickinson, George, Harlan, Hill, Hudson, Johnson, Johnston, Moreland, Nye, West, and Zuck—17.

NOES—Messrs. Baker, Byrnes, Conger, Enos, Glascock, Gorman, Hittell, Kelly, Lampson, Langford, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Watson—19.

The bill not having received a constitutional majority, was declared not passed.

Assembly Bill No. 329—An Act to amend section two of an Act entitled "An Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city," approved April twenty-fourth, eighteen hundred and sixty-two.

Read third time, and, not receiving the constitutional majority, was declared lost by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Enos, Glascock, Gorman, Hill, Johnson, Kelly, Langford, Nelson, Pardee, Pool, Traylor, and Watson—20.

NOES—Messrs. Burt, Davis, Dickinson, George, Harlan, Hittell, Hudson, Lampson, Moreland, Nye, Rowell, Ryan, Sears, and Zuck—14.

NOTICES.

Mr. Dickinson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 329 was lost.

Mr. Pardee gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 100 was passed.

Mr. Carlock gave notice that, on to-morrow, he would move a reconsideration of the vote by which the resolution for compensation of the Clerk of the Committee on Fisheries and Game was declared lost.

Mr. Rowell, by leave, introduced a report from the Committee on Hospitals in relation to the Insane Asylums of the State.

Report ordered printed in the Appendix to the Journal.

ADJOURNMENT.

At nine o'clock and fifty minutes P. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, April 14th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Barr, Brown, Byrnes, Carlock, Chase, Cheney, Clanger, Davis, Dickinson, Elias, George, Grimes, Harlan, Howell, 1871, Hunt, Hutton, Johnson, Johnston, Kelly, Lamson, Longworth, Marshall, Nelson, Northman, Nye, Purdie, Reed, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Nye moved that the reading of the Journal of yesterday be deferred until one o'clock and thirty minutes P. M.

Carried.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April twelfth, eighteen hundred and eighty, passed Senate Bill No. 140—An Act to form Agricultural Districts, to provide for the organization of Agricultural Associations therein, and for the management and control of the same by the State.

April thirteenth, eighteen hundred and eighty, passed Senate Bill No. 141—An Act to amend section one thousand one hundred and eighty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleven, eighteen hundred and seventy-two, relating to the liens of mechanics and others upon real property.

Senate Bill No. 286—An Act to confer power upon Supervisors of cities and counties containing more than one hundred thousand inhabitants, to extend and complete all main intercepting sewers heretofore partially constructed.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 13th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April thirteenth, eighteen hundred and eighty, referred to Senate amendments to Assembly Bill No. 354—An Act to provide for the protection of lands from overflow other than lands pre-empted, as swamp lands.

Consented to Senate amendments to Assembly Bill No. 45—An Act to amend sections three thousand four hundred and fifteen, three thousand four hundred and sixty-six, three thousand four hundred and ninety-five, three thousand five hundred, and three thousand five hundred

and forty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to the public lands of this State.

Concurred in Senate amendments to Assembly Bill No. 334—An Act to promote drainage.

Refused to concur in Senate amendments to Assembly Bill No. 163—An Act to amend section three hundred and thirty-six of the Penal Code, in relation to games of chance at places where liquor is sold—and asks the Senate to recede.

Passed Assembly Bill No. 590—An Act to amend section three thousand seven hundred and forty-six of the Political Code.

April twelfth, eighteen hundred and eighty, passed Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

April thirteenth, eighteen hundred and eighty, passed Senate Bill No. 251—An Act to add five new sections to the Political Code, providing for funding and refunding county indebtedness.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 590, above reported, read first time.

Mr. Johnson moved that the provisions of section fifteen, of article four, of the Constitution, relating to the reading of bills on three several days, be dispensed with on the ground of urgency, and the bill be now read a second time.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Traylor, Watson, West, and Zuck—28.

NOES—None.

Carried.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 163, above reported, with Senate amendments not concurred in.

Mr. Johnson moved that the Senate recede from its amendments.

Upon which the ayes and noes were demanded by Messrs. Conger, Enos, and Nelson, with the following result:

AYES—Messrs. Anderson, Burf, Byrnes, Carlock, Chase, George, Harlan, Hill, Johnson, Johnston, Moreland, Nye, Rowell, West, and Zuck—15.

NOES—Messrs. Baker, Brown, Conger, Dickinson, Enos, Glascock, Gorman, Hittell, Kelly, Lampton, Langford, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—20.

Senate refused to recede.

Senate Bill No. 439, above reported, action passed temporarily.

REPORTS.

By Mr. Nye:

SENATE CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 131—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors—have had the same under consideration, and report the same back to the Senate, and recommend that the Senate concur in the Assembly amendments thereto.

NYE, Chairman.

Mr. Johnson gave notice that he would file a minority report, relating to Senate Bill No. 131, as reported from the Judiciary Committee.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage beg leave to report that James D. Byrnes is entitled to mileage for one hundred and sixteen miles, as follows, twenty-three dollars and twenty cents; and the Controller is hereby directed to draw his warrant in said Byrnes' favor for said sum, payable out of the appropriation for Contingent Expense Fund of the Senate.

Adopted.

Senate Bill No. 131, hereinbefore reported from the Assembly with amendments, taken up for consideration.

Upon the concurrence in Assembly amendment to section eight, the roll was called, with the following result:

AYES—Messrs. Conger, Davis, Dickinson, Enos, Hittell, Langford, Moreland, Neumann, Nye, Rowell, Ryan, and Traylor—12.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, George, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Pardee, Satterwhite, Sears, West, and Zuck—18.

Senate refused to concur.

Upon concurring in Assembly amendment number two, to section eight, the roll was called with the following result:

AYES—Messrs. Conger, Davis, Dickinson, Enos, Hittell, Langford, Nelson, Neumann, Nye, Rowell, and Traylor—11.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, George, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Moreland, Pardee, Ryan, Satterwhite, Sears, West, and Zuck—20.

Senate refused to concur.

Upon the concurrence in the Assembly amendment number three, to section eight, the roll was called with the following result:

AYES—Messrs. Anderson, Conger, Dickinson, Enos, Hittell, Langford, Moreland, Nye, Rowell, and Traylor—10.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Davis, George, Gorman, Harlan, Hill, Johnson, Johnston, Kelly, Lampson, Pardee, Pool, Ryan, Satterwhite, Sears, and Zuck—21.

Senate refused to concur.

Upon concurring in Assembly amendment number four, to section eight, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Cheney, Davis, Dickinson, Enos, Hill, Hittell, Lampson, Langford, Moreland, Neumann, Nye, Rowell, Sears, and Traylor—18.

NOES—Messrs. Brown, Chase, Gorman, Harlan, Johnson, Johnston, Kelly, Pardee, Pool, Ryan, Satterwhite, and Zuck—12.

Amendment concurred in.

Upon concurring in Assembly amendment number five, to section eight, the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Johnson, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, and Zuck—29.

NOES—None.

Amendment concurred in.

Upon concurring in Assembly amendment to section fifteen, the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Johnson, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Zuck—28.

NOES—Mr. Satterwhite—1.

Amendment concurred in.

Upon concurring in Assembly amendments to sections sixteen, seventeen, eighteen, and twenty-one, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, and Zuck—30.
 NOES—None.

Amendments concurred in.

Upon concurring in Assembly amendment to section thirty-two, the roll was called with the following result:

AYES—Messrs. Baker, Burt, Conger, Davis, Dickinson, Enos, Hittell, Neumann, Nye, Rowell, Sears, Traylor, and Wendell—13.

NOES—Messrs. Anderson, Byrnes, Carlock, Chase, Cheney, George, Gorman, Harlan, Hill, Hudson, Johnson, Kelly, Lampson, Moreland, Pardee, Satterwhite, and Zuck—17.

Senate refused to concur.

Upon concurring in Assembly amendments to sections forty-five and forty-nine, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glaseock, Gorman, Harlan, Hill, Hittell, Johnson, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Traylor, and Watson—27.

NOES—Messrs. Chase and Kelly—2.

Amendments concurred in.

Assembly amendment to section fifty-three not concurred in.

Assembly amendment number one, to section sixty-five, concurred in.

Assembly amendment number two, to section sixty-five, not concurred in.

Upon concurring in Assembly amendment to section sixty-seven, the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Conger, Dickinson, Neumann, Nye, and Traylor—8.

NOES—Messrs. Carlock, Chase, Cheney, Davis, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Moreland, Pardee, Rowell, Satterwhite, Sears, and West—20.

Senate refused to concur.

Upon concurring in Assembly amendment to section sixty-eight, the roll was called with the following result:

AYES—Messrs. Burt and Lampson—2.

NOES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Glaseock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Moreland, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Traylor, and West—27.

Senate refused to concur.

Mr. Moreland, by leave, offered the following report from the Judiciary Committee:

SENATE CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: The undersigned, members of the Committee on Judiciary, to whom was referred Assembly Bill No. 425—An Act to amend sections seven hundred, seven hundred and one, seven hundred and two, seven hundred and three, seven hundred and four, and seven hundred and five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, so as to provide for the redemption of real estate sold under the power contained in trust deeds—have had the same under consideration, and report the same back to the Senate, and recommend that the bill pass.

W. W. MORELAND,
 JOHN W. SATTERWHITE
 GROVE L. JOHNSON,
 W. A. CHENEY,
 J. S. ENOS.

eight, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-four, two thousand six hundred and fifty-eight, two thousand six hundred and eighty-six, two thousand seven hundred and four, and two thousand seven hundred and fifty-seven, of the Political Code, relating to roads and highways.

Mr. Zuck moved to indefinitely postpone the same.

During the consideration of the same, Mr. Johnson moved that the hour of recess be extended until the disposition of the motion under consideration.

Carried.

Motion to indefinitely postpone lost.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Johnson, by leave, introduced the following:

Resolved, That the Postmaster be and is hereby directed to take the address of each and every member of the Senate, and remain at the State Capitol for the period of one week, for the purpose of remailing such mail matter as may come to the members after the Senate adjourns; and for such services to receive the sum of thirty dollars, and the Controller is hereby directed to issue his warrant for the same out of the fund for the contingent expenses of the Senate.

GROVE L. JOHNSON.

Leave of absence granted Mr. Baker for one hour.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, April 14th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bills Nos. 174, 313, and 538, and that the same have this day been placed in the hands of the Governor, at eleven o'clock and fifteen minutes A. M.

HUDSON, Chairman.

THIRD READING FILE.

Assembly Bill No. 527—An Act to amend section three thousand six hundred and sixty-three of the Political Code, relating to revenue.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Nelson, Neumann, Pardee, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—28.

NOES—None.

Title read and approved.

Assembly Bill No. 149—An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March twenty-third, eighteen hundred and seventy-two.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Nelson, Neumann, Pardee, Rowell, Ryan, Satterwhite, Traylor, West, and Zuck—28.

NOES—Mr. Langford—1.

Title read and approved.

Assembly Bill No. 261—An Act to amend section sixty of the Civil Code of California, relative to the intermarriage of whites with negroes and persons of other races.

Read third time.

The roll was called, and, not receiving the constitutional majority, was lost by the following vote:

AYES—Messrs. Anderson, Burt, Byrnes, Carlock, Enos, Glascock, Gorman, Harlan, Johnston, Ryan, and Satterwhite—11.

NOES—Messrs. Brown, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Neumann, Pardee, Rowell, Sears, Traylor, West, and Zuck—17.

Assembly Bill No. 472—An Act to encourage the mining industry and to suppress stock gambling.

Read third time.

Mr. Pardee moved a call of the Senate.

Lost.

The roll was called, and the bill not receiving the constitutional majority, was lost by the following vote:

AYES—Messrs. Anderson, Baker, Enos, Glascock, Gorman, Hill, Johnson, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Satterwhite, West, and Zuck—17.

NOES—Messrs. Burt, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, George, Harlan, Hittell, Hudson, Neumann, Ryan, Sears, Traylor, and Watson—16.

SECOND READING FILE—RESUMED.

Assembly Bill No. 249—An Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March thirtieth, eighteen hundred and seventy-four.

Taken up out of order.

Read second time.

Upon the question, "Shall the bill be ordered on file for third reading?" the ayes and noes were demanded by Messrs. Satterwhite, Gorman, and Johnson, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Langford, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, Watson, and West—28.

NOES—Messrs. Glascock, Kelly, Pool, and Satterwhite—4.

Ordered on file for third reading.

REPORTS.

By Mr. Rowell (by leave):

SENATE CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: The Committee on County and Township Governments, to whom was referred Assembly Bill No. 519—An Act to amend certain sections of the Political Code contained in chapters one, two, three, four, and five, part four, title two, and to add other sections thereto, and to establish a system of county governments—have had the same under consideration, and report the same back with amendments, and recommend passage as amended.

SATTERWHITE, for majority of committee.

Also:

MR. PRESIDENT: As one of your Committee on Town and County Governments, I hereby dissent from the report of the majority of the committee on Assembly Bill No. 519, and recommend that the proposed amendments be not adopted.

ROWELL, minority of committee.

Assembly Bill No. 296—An Act for the relief of W. S. Safford.

Taken up out of order.

Read second time, and ordered on file for third reading.

Mr. Enos, pursuant to the notice given yesterday by Mr. Dickinson, that he would move a reconsideration of the vote whereby Assembly Bill No. 329 was lost, now moved the reconsideration of the same.

Upon which the roll was called, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Hudson, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, Watson, and West—25.

NOES—Messrs. Burt, Davis, Dickinson, George, Hittell, Lampson, Nye, and Sears—8.

Vote reconsidered.

Assembly Bill No. 329—An Act to amend section two of an Act entitled "An Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city," approved April twenty-fourth, eighteen hundred and sixty-two.

Upon the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Baker, Brown, Byrnes, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Hill, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Ryan, Traylor, Wattson, and West—22.

NOES—Messrs. Burt, Davis, Dickinson, George, Hittell, Lampson, Moreland, Nye, Rowell, Satterwhite, and Sears—11.

Title read and approved.

Mr. Satterwhite, pursuant to notice given, now moved a reconsideration of the vote whereby Assembly Bill No. 148 was passed.

Upon which the ayes and noes were demanded by Messrs. Satterwhite, Enos, and Conger, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Chase, Cheney, Enos, George, Glascock, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Moreland, Nelson, Rowell, Ryan, Satterwhite, Sears, and West—21.

NOES—Messrs. Burt, Conger, Davis, Dickinson, Gorman, Hittell, Lampson, Nye, Traylor, and Watson—10.

The motion to reconsider prevailed.

Consideration of Assembly Bill No. 385 continued.

Senate considered as in Committee of the Whole.

By unanimous consent the Secretary was authorized to make a correction in section three, part three, by making the word "necessary,"

"unnecessary." Also, to insert the word "road" before the word "poll," in section five, subdivision eight. Also, to correct section nine by making the word "officer" to read "overseer."

Mr. Sears in the chair.

The Secretary was authorized to change the word "or" for the word "and," in section thirty-five.

Bill read second time.

President Mansfield in the chair.

Ordered on file for third reading.

Mr. Dickinson, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Assembly Bill No. 99 failed to pass.

Upon which the roll was called with the following result:

Ayes—Messrs. Anderson, Baker, Bart, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, Harlan, Hill, Hottel, Hunsen, Johnson, Johnston, Neimatin, Nye, Pardon, Pool, Rowell, Ryan, Sears, Traylor, Watson, West, and Zuck—27.

Noes—Messrs. Brown, Glascock, Gorman, Kelly, Lampton, Langford, Moreland, Nelson, and Satterwhite—9.

The motion to reconsider prevailed.

Mr. Dickinson moved that Assembly Bill No. 99 be recommitted to himself with special instructions to amend by attaching Senate Bill No. 328, and to amend the title in accordance therewith.

Carried, and the bill ordered referred.

Mr. Dickinson immediately reported back Assembly Bill No. 99, amended as ordered by the Senate.

Assembly Bill No. 323—An Act to amend sections one thousand and forty-one, one thousand and fifty-three, one thousand and fifty-five, one thousand and eighty-three, one thousand and eighty-four, one thousand and ninety-seven, one thousand one hundred and six, one thousand one hundred and eight, one thousand one hundred and nine, one thousand one hundred and thirteen, one thousand one hundred and thirty, one thousand one hundred and forty-seven, one thousand two hundred and twenty-eight, one thousand two hundred and thirty, one thousand two hundred and thirty-two, one thousand two hundred and thirty-five, one thousand two hundred and thirty-six, one thousand two hundred and thirty-seven, one thousand two hundred and eighty-four, one thousand two hundred and eighty-eight, one thousand three hundred and ten, one thousand three hundred and eleven, and one thousand three hundred and forty three, of the Political Code, relating to elections, and to repeal section one thousand and forty-two of said Code.

Taken up out of order.

Read second time.

Senate considered as in Committee of the Whole.

RECESS.

At five o'clock and eighteen minutes P. M. Mr. Johnson moved that the Senate take a recess until seven o'clock and thirty minutes P. M., and that the further consideration of Assembly Bill No. 323 be continued and made the special order for said time.

Carried.

RE-ASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate re-assembled.

President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glasecock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

Mr. Traylor moved that the rules be suspended, and that he be allowed to introduce a joint resolution.

Upon which the ayes and noes were demanded by Messrs. Sears, Zuck, and Nye, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, George, Glasecock, Hittell, Hudson, Johnston, Langford, Nelson, Ryan, Satterwhite, Traylor, and West—15.

NOES—Messrs. Baker, Burt, Byrnes, Gorman, Harlan, Hill, Kelly, Moreland, Nye, Rowell, Sears, and Zuck—12.

Lost.

Consideration of Assembly Bill No. 323 resumed.

Senate considered as in Committee of the Whole.

Upon the question of concurrence in first amendment to section seven, striking out the word "Court," offered and adopted in Committee of the Whole, the ayes and noes were demanded by Messrs. Johnson, Hill, and Neumann, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, George, Glasecock, Gorman, Harlan, Hill, Kelly, Moreland, Nelson, Nye, Pool, Ryan, Satterwhite, and West—17.

NOES—Messrs. Baker, Burt, Brown, Byrnes, Cheney, Davis, Dickinson, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Rowell, Sears, Traylor, Watson, and Zuck—18.

Amendment lost.

Second amendment to section seven lost.

Amendments to sections four and nineteen adopted in Senate.

Upon the question of ordering the bill on the file for third reading, the ayes and noes were demanded by Messrs. Johnson, Enos, and Gorman, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Cheney, Davis, Dickinson, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Rowell, Sears, Watson, West, and Zuck—19.

NOES—Messrs. Anderson, Chase, Conger, Enos, George, Glasecock, Gorman, Harlan, Hill, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite—16.

Ordered on general file for third reading.

Pursuant to notice given yesterday, Mr. Neumann now moved a reconsideration of the vote whereby the Senate refused to pass Senate Bill No. 519.

Upon which the ayes and noes were demanded by Messrs. Neumann, Burt, and Conger, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glasecock, Gorman, Harlan, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Neumann, Nye, Pool, Ryan, Satterwhite, Sears, and Watson—26.

NOES—Messrs. Burt, George, Hill, Johnson, Moreland, Nelson, Rowell, and Zuck—8.

Carried.

The question recurring upon the passage of the bill, the roll was called, and the bill passed by the following vote:

Title read and approved.

Assembly Bill No. 505—An Act to grant to certain parties therein named the right of way for a railroad from the Town of Truckee, Nevada County, to the Town of Quincy, Plumas County.

Read third time, and not receiving the constitutional majority, was lost by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hittell, Hudson, Johnson, Johnston, Ryan, and West—18.

NOES—Messrs. Burt, Gorman, Hill, Kelly, Langford, Nelson, Nye, Rowell, Satterwhite, Sears, Watson, and Zuck—12.

Mr. Watson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 505 was lost.

Mr. Ryan, by leave, introduced the following resolution:

Resolved, That the Assembly be and it is hereby requested to return Assembly Bill No. 329 to the Senate.

Upon which the ayes and noes were demanded by Messrs. Ryan, Nelson, and Conger, with the following result:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Chase, Cheney, Davis, Dickinson, Enos, George, Hittell, Hudson, Johnson, Nye, Ryan, Satterwhite, and Sears—17.

NOES—Messrs. Anderson, Conger, Gorman, Harlan, Hill, Johnston, Kelly, Nelson, Rowell, Watson, and West—11.

Resolution adopted.

Assembly Bill No. 501 passed on file.

Assembly Bill No. 158—An Act making appropriation for deficiency for the thirtieth and thirty-first fiscal years for payment of armory rents, purchase of arms, and other expenses of the National Guard of California.

Read third time, and, not receiving a constitutional majority, was lost by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Enos, George, Harlan, Hill, Hittell, Hudson, Johnson, Nelson, Nye, Ryan, and Watson—19.

NOES—Messrs. Brown, Dickinson, Gorman, Kelly, Lampson, Langford, Moreland, Satterwhite, and Sears—7.

Mr. Dickinson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 158 was lost.

Mr. Lampson granted leave of absence for the evening.

Senate Bills Nos. 488, 489, and 515, passed on file.

Assembly Bill No. 211—An Act to amend sections nine hundred and ninety-five, one thousand and sixteen, one thousand and seventeen, one thousand and twenty, one thousand and twenty-three, and one thousand and forty-one, of the Penal Code, relative to pleadings and proceedings after indictment, and before the commencement of the trial.

Read third time, and, not receiving the constitutional majority, was lost by the following vote:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Davis, Dickinson, Hittell, Hudson, Johnston, Langford, Nye, and Rowell—12.

NOES—Messrs. Anderson, Chase, Conger, Enos, George, Gorman, Harlan, Hill, Johnson, Kelly, Moreland, Nelson, Ryan, Satterwhite, Sears, and Watson—16.

Pursuant to notice given yesterday, Mr. Hill now called for a

report of the Committee on Commerce and Navigation, in relation to Senate Bill No. 405.

In accordance therewith, Mr. Dickinson, from the above Committee, made the following report:

SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred the following Senate bills, to wit: No. 215—An Act to establish a quarantine at the harbor of San Francisco.

No. 405—An Act declaring the Tremblodera Slough, in the County of Monterey, a navigable stream.

No. 514—An Act to repeal section two thousand five hundred and forty-five of the Political Code, relating to eligibility of Harbor Commissioners; and Assembly Joint Resolution No. 5—Relative to procuring an appropriation for the construction of a break-water in the harbor of San Luis Obispo.

Report the same back to the Senate without recommendation.

DICKINSON, Chairman.

Assembly Bill No. 112—An Act to repeal sections two, three, and six, and to amend section four of an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, in relation to an Assessor and Collector.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Davis, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Moreland, Rowell, Satterwhite, Watson, and West—20.

NOES—Messrs. Conger, Kelly, Nelson, Nye, and Sears—5.

Title read and approved.

Assembly Bill No. 459—An Act to regulate and provide for a day of rest in certain cases.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Conger, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Nelson, Ryan, Satterwhite, Sears, Watson, and West—23.

NOES—Messrs. Burt, Moreland, Nye, and Rowell—4.

Title read and approved.

SECOND READING FILE.

Assembly Joint Resolution No. 11—Asking Congressional aid in behalf of a large number of settlers upon government land in what is known as the "Mussel Slough District," in Tulare County, California.

Taken up out of order.

Read second time, and ordered on file for third reading.

Assembly Bill No. 83—An Act to create a Bureau of Labor and Statistics of Land and Labor in the State of California.

Taken up out of order.

Read second time, and ordered on file for third reading.

Assembly Bill No. 559—An Act to repeal an Act entitled "An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco," approved March eighteenth, eighteen hundred and seventy-four.

Taken up out of order.

Read second time, and ordered on file for third reading.

Assembly Bill No. 368—An Act to declare the Klamath River navigable.

Taken up out of order.

Read second time, and ordered on file for third reading.

Assembly Bill No. 325—An Act to add a section to the Penal Code, to be known as section five hundred and ninety-nine, relative to malicious mischief.

Taken up out of order.

Read second time.

Senate considered as in Committee of the Whole.

Upon the adoption of amendment to section one in Senate, the ayes and noes were ordered by Messrs. Hill, Burt, and Sears, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Conger, Enos, George, Harlan, Johnson, Johnston, Langford, Nelson, Nye, Ryan, and West—14.

NOES—Messrs. Burt, Davis, Glascock, Gorman, Hill, Hittell, Hudson, Kelly, Moreland, Rowell, Satterwhite, Sears, and Zuck—13.

Amendments adopted, and bill ordered on file for third reading.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 211 failed to pass.

Pursuant to notice given yesterday by Mr. Carlock, Mr. Glascock now moved a reconsideration of the vote whereby the resolution relating to the payment of the Clerk of the Committee on Fish and Game was lost, and moved that the motion be ordered on file.

So ordered.

Assembly Bill No. 499—An Act to empower consolidated cities and counties of over one hundred thousand inhabitants to make alterations to county prisons and county jails for sanitary purposes.

Taken up out of order.

Read second time, and ordered on file for third reading.

At ten o'clock and ten minutes P. M. Mr. Davis moved to adjourn.

The roll was called, with the following result:

AYES—Messrs. Baker, Brown, Davis, George, Hudson, and Satterwhite—6.

NOES—Messrs. Anderson, Burt, Byrnes, Conger, Dickinson, Enos, Glascock, Gorman, Hill, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Rowell, Ryan, Sears, Watson, West, and Zuck—23.

Lost.

The Chair acknowledged himself in error in ordering the motion of Mr. Glascock to reconsider on the file, and now put the motion, "Shall the motion to reconsider be ordered on the file for to-morrow?"

Carried.

Assembly Bill No. 567—An Act to amend section two hundred and ninety of the Civil Code, in regard to articles of incorporation.

Taken up out of order.

Read second time, and ordered on file for third reading.

At one o'clock and twenty-three minutes A. M. Mr. Brown moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Burt, with the following result:

AYES—Messrs. Baker, Burt, Brown, Dickinson, Hudson, Kelly, and Satterwhite—7.

NOES—Messrs. Anderson, Byrnes, Conger, Davis, Enos, George, Glascock, Gorman, Hill, Hittell, Johnson, Johnston, Langford, Moreland, Nelson, Nye, Rowell, Ryan, Sears, Watson, and Zuck—25.

Lost.

Mr. Conger moved that Assembly Bill No. 187—An Act to prevent discrimination by gas companies in the State of California—be taken up out of order.

Upon which the ayes and noes were demanded by Messrs. Satterwhite, Enos, and Conger, with the following result:

AYES—Messrs. Brown, Conger, Glascock, Gorman, Johnston, Moreland, and Satterwhite—7.
NOES—Messrs. Anderson, Baker, Burt, Byrnes, Davis, Dickinson, Enos, George, Hill, Hittell, Hudson, Johnson, Kelly, Langford, Nelson, Nye, Rowell, Ryan, Sears, Watson, West, and Zuck—22.

Lost.

Assembly Bill No. 391—An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor.

Taken up out of order.

Read second time, and ordered on file for third reading.

Mr. Johnson moved a call of the Senate.

Carried.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Byrnes, Conger, Davis, Enos, George, Glascock, Gorman, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck.

Mr. Lampson excused.

Mr. Hittell moved that further proceedings under the call be dispensed with.

Mr. Johnston in the chair.

Upon the motion to dispense with the call, the ayes and noes were demanded by Messrs. Enos, Zuck, and Burt, with the following result:

AYES—Messrs. George, Hittell, Hudson, and Satterwhite—4.
NOES—Messrs. Anderson, Burt, Byrnes, Conger, Davis, Enos, Glascock, Gorman, Hill, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—23.

Lost.

President pro tem. Baker in the chair.

Mr. Johnson moved that the Secretary's name be in the list of absentees, and that the Assistant Sergeant-at-Arms be directed to bring the Secretary forthwith.

Carried.

At ten o'clock and fifty-five minutes p. m. Mr. Satterwhite moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Burt, with the following result:

AYES—Messrs. Anderson, Baker, George, Hittell, Hudson, Satterwhite, and West—7.
NOES—Messrs. Burt, Byrnes, Conger, Davis, Enos, Glascock, Gorman, Hill, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Watson, and Zuck—21.

Lost.

Mr. Johnson moved that the Pages be excused.

Carried.

At eleven o'clock and fifteen minutes P. M. Mr. Watson moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Watson, Enos, and Zuck, with the following result:

AYES—Messrs. Anderson, Baker, Hittell, Hudson, Satterwhite, and West—6.

NOES—Messrs. Burt, Byrnes, Conger, Davis, Enos, George, Glascock, Gorman, Hill, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, Sears, Watson, and Zuck—22.

Lost.

Mr. Boruck, one of the absentees, appearing before the bar of the Senate, rendered his excuses, and was excused on motion of Mr. Enos.

Mr. Johnson moved that the Assistant Sergeant-at-Arms be directed to proceed with a list of the absentees, and arrest and bring the same before the bar of the Senate.

Carried.

Mr. Satterwhite was granted leave of absence for the evening.

At eleven o'clock and fifty-five minutes P. M. Mr. Nye moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Hittell, Langford, and Nye—5.

NOES—Messrs. Burt, Byrnes, Conger, Davis, Enos, George, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kelly, Moreland, Nelson, Pool, Rowell, Ryan, Sears, Watson, West, and Zuck—22.

Lost.

Leave of absence granted Mr. Nye for four minutes.

Mr. Johnson asked leave to introduce a resolution, and moved its adoption.

The Chair ruled the resolution out of order, as no business would be in order except proceedings under the call.

On motion of Mr. Johnson, the following words of Senator Hittell were ordered taken down: "That, in my opinion, this whole matter originated in malice, and is being carried out in malice, and that it ought to be added to the resolution, that these gentlemen should be brought here handcuffed, to more fully carry out the spirit manifested in the resolution."

Messrs. Dickinson, Cheney, and Brown, three of the absentees under the call, appeared before the bar of the Senate.

Mr. Dickinson rendered his excuse.

Mr. Sears moved that Mr. Dickinson be excused.

Mr. Johnson moved, as an amendment, that he be reprimanded by the Chair.

Mr. Sears accepted the amendment.

Upon which the ayes and noes were demanded by Messrs. Zuck, Hill, and Johnson, with the following result:

AYES—Messrs. Burt, Byrnes, Conger, Davis, Enos, Glascock, Gorman, Hill, Hudson, Johnson, Johnston, Kelly, Moreland, Nelson, Nye, Rowell, Ryan, Sears, Watson, West, and Zuck—21.

NOES—Messrs. Anderson, George, Hittell, Langford, and Pool—5.

Motion prevailed.

Whereupon the Chair duly reprimanded Mr. Dickinson in accordance with the order of the Senate.

Mr. Cheney, one of the absentees, also appeared before the bar of the Senate and rendered his excuses.

Mr. Enos moved that he be excused.

Mr. Johnson moved, as an amendment, that he be reprimanded. Carried.

Whereupon the Chair duly reprimanded Mr. Cheney in accordance with the order of the Senate.

Mr. Brown, one of the absentees, also appeared before the bar of the Senate and rendered his excuses.

Mr. Hill moved that he be reprimanded.

Carried.

Whereupon the Chair duly reprimanded Mr. Brown in accordance with the order of the Senate.

ADJOURNMENT.

At one o'clock and forty minutes A. M. Mr. Davis moved that the Senate adjourn until to-morrow morning at ten o'clock.

Carried.

Whereupon the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, April 15th, 1880. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Bart, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lumpson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

On motion of Mr. Johnson, the reading of the Journal of the thirteenth and fourteenth was postponed until to-morrow morning.

REPORTS OF STANDING COMMITTEES.

By Mr. Enos:

SENATE CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 72—An Act concerning police regulations in cities having a population of one hundred thousand or more—have had the same under consideration, and report the same back without recommendation.

Also, Senate Bill No. 431—An Act authorizing the Board or Boards of Supervisors, or Houses of Legislation, of cities or cities and counties having a population of more than one hundred thousand inhabitants, to appoint a Collector of Licenses, to fix salary, and prescribe his duties, and relating to collection of licenses in such cities, or cities and counties—and report the same back without recommendation.

Also, a petition relative to Pennsylvania Avenue in San Francisco, and report the same back without recommendation.

ENOS, Chairman.

By Mr. Traylor:

SENATE CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 288—An Act for the relief of John Johnson—have had the same under consideration, and report it back without recommendation.

Also, Senate Bill No. 546—An Act to provide for payment for water used by the University of California—and report the same back without recommendation.

TRAYLOR, Chairman.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty, adhered to its refusal to concur in Senate amendments to Assembly Bill No. 163—An Act to amend section three hundred and thirty-six of the Penal Code—in relation to games of chance at places where liquor is sold, and requesting a conference. The Speaker has appointed to act for the Assembly, upon such conference, Assemblymen Tyler, Hartson, and Fox.

J. M. WRIGHT, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty, passed Senate Bill No. 133—An Act to amend section one thousand one hundred and forty-four of the Code of Civil Procedure, relating to discharge of persons imprisoned on civil process.

Senate Bill No. 240—An Act to repeal an Act entitled an Act relating to advances, bona fide made to agents entrusted with goods, and for the better protection of such advances, approved March thirtieth, eighteen hundred and seventy-eight.

Senate Bill No. 252—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses.

Senate Bill No. 261—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to granting of letters of administration.

Senate Bill No. 177—An Act to amend sections one thousand nine hundred and ninety-four, one thousand nine hundred and ninety five, two thousand and twenty-four, two thousand and thirty-six, two thousand and thirty-seven, two thousand and seventy, and two thousand and eighty-four, of the Code of Civil Procedure, relating to evidence.

Senate Bill No. 182—An Act to amend the Penal Code by adding a new section thereto, to be known as section nine hundred and twenty-eight, relating to the duties of the grand jury.

Senate Bill No. 248—An Act to amend sections eight hundred and seventy-one and nine hundred of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Senate Bill No. 335—An Act providing for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing at the Presidio.

Senate Bill No. 253—An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide a bounty for the same," approved March thirtieth, eighteen hundred and seventy-eight.

April eighth, eighteen hundred and eighty, amended, and on April fourteenth, eighteen hundred and eighty, passed as amended, Senate Bill No. 418—An Act to regulate the sale of certain poisonous substances.

April fourteenth, eighteen hundred and eighty, passed Senate Bill No. 321—An Act making an appropriation for the improvement of L Street, between Tenth and Fifteenth Streets, in the City of Sacramento, County of Sacramento, State of California.

Senate Bill No. 219—An Act to amend section three of an Act entitled "An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation," approved March thirtieth, eighteen hundred and seventy-four.

J. M. WRIGHT, Assistant Clerk.

Assembly amendment to Senate Bill No. 418, above reported, read and concurred in, except amendment striking out the schedule, by the following vote:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Davis, Dickinson, Enos, Glascock, Gorman, Hanson, H. H. Hatch, Johnson, Johnston, Kery, Leapsen, Langford, Marshland, Nelson, Nye, Pardee, Rowell, Sears, Traylor, West, and Zuck—26.

NOES—None.

The Senate refused to concur in Assembly amendment striking out the schedule.

Mr. Rowell moved that Senate Bill No. 418 be returned to the Assembly with the request that they recede from the amendment striking out the schedule.

Carried.

ASSEMBLY CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty, passed Senate Bill No. 145—An Act to amend section one thousand two hundred and eighty-three of the Code of Civil Procedure, relating to arbitrations.

On March twenty-second, eighteen hundred and eighty, amended, and on April fourteenth, eighteen hundred and eighty, passed as amended, Senate Bill No. 162—An Act to amend sections one thousand two hundred and eighty-three, one thousand two hundred and forty-four, and one thousand two hundred and fifty-four, of the Code of Civil Procedure, relating to eminent domain.

Senate Bill No. 164—An Act to amend sections one thousand two hundred and seventy-five, one thousand two hundred and seventy-six, one thousand two hundred and seventy-eight, and one thousand two hundred and seventy-nine, of the Code of Civil Procedure, relating to change of names.

April fourteenth, passed Senate Bill No. 165—An Act to repeal chapters four and five, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters four and five, relating to appeals in civil actions.

Senate Bill No. 270—An Act to amend section two thousand nine hundred and forty-one of the Civil Code.

April second, eighteen hundred and eighty, amended, and on April fourteenth, eighteen hundred and eighty, passed as amended, Senate Bill No. 225—An Act to amend section one thousand three hundred and eighty-six of the Civil Code, relating to succession.

April fourteenth, eighteen hundred and eighty, passed Senate Bill No. 306—An Act relating to the intoxication of officers.

Senate Bill No. 167—An Act repealing an Act conferring further powers to the Board of Supervisors of the City and County of San Francisco.

Senate Bill No. 245—An Act to amend section three thousand four hundred and eighty-one of the Penal Code.

Senate Bill No. 89—An Act to amend section four hundred and twenty-four of the Penal Code, relating to embezzlements and falsification of accounts by public officers.

Senate Bill No. 132—An Act to amend sections one thousand one hundred and sixteen, one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty, one thousand one hundred and twenty-four, one thousand one hundred and twenty-five, one thousand one hundred and twenty-six, and one thousand one hundred and twenty-seven, of the Code of Civil Procedure, and to repeal section one thousand one hundred and twenty-four of the Code of Civil Procedure, relating to contesting certain elections.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty, passed Senate Bill No. 308—An Act to add a new section to the Political Code, to be numbered three thousand four hundred and ninety-one, relative to the election of Trustees of reclamation districts, and their term of office.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty, passed Assembly amendments numbers one, two, three, four, eleven, eighteen, nineteen, and twenty, to Senate Bill No. 141—An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty, passed Assembly Bill No. 574—An Act making appro-

priation for the support of the government of the State of California for the thirty-second fiscal year.

Assembly Bill No. 576—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

J. E. BENTON, Assistant Clerk.

Assembly Bill No. 574, above reported, read first time.

Mr. Johnson moved that so much of section fifteen, article four, of the Constitution, requiring bills to be read on three several days, be dispensed with, and that the bill be now read a second time.

Upon which, the roll was called and the motion prevailed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—31.

NOES—Mr. Brown—1.

Pursuant to notice given by him, yesterday, Mr. Dickinson now moved a reconsideration of the vote whereby the Senate refused to pass Assembly Bill No. 158.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—28.

NOES—Messrs. Burt, Gorman, Moreland, and Satterwhite—4.

Carried.

Assembly Bill No. 158—An Act making appropriation for deficiency for the thirtieth and thirty-first fiscal years for payment of armory, rents, purchase of arms, and other expenses of the National Guard of California.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and West—30.

NOES—Messrs. Burt, Gorman, and Moreland—3.

Title read and approved.

By leave, Mr. Traylor introduced the following resolutions:

Resolved by the Senate of California, That the discontinuance of the letter service of Wells, Fargo & Company would be a great deprivation to the business interests of the Pacific Coast, and of no corresponding benefit to any interest.

Resolved, That our Senators and Representatives in Congress be requested to use all means in their power to prevent such discontinuance.

Resolved, That the Governor is hereby requested to forward copies of these resolutions to our Senators and Representatives in Congress, and also a copy to the Honorable, the Postmaster-General of the United States.

Adopted.

Consideration of Assembly Bill No. 574 resumed.

Bill read second time.

On motion of Mr. Enos, Assembly Bill No. 574 was ordered considered in Senate.

Mr. Baker moved to temporarily pass Assembly Bill No. 574, and take up, out of order, Assembly Bill No. 501, upon which the ayes and noes were demanded by Messrs. Moreland, Johnson, and Enos, with the following result:

AYES—Messrs. Baker, Brown, Conger, Dickinson, Hittell, Lampson, Langford, Neumann, Nye, Rowell, Ryan, Satterwhite, Sears, Watson, West, and Zuck—16.

NOES—Messrs. Anderson, Carlock, Chase, Cheney, Davis, Enos, Glascock, Gorman, Harlan, Hill, Johnston, Moreland, Nelson, Pardee, and Traylor—16.

Lost.

Assembly Bill No. 574—An Act making appropriation for the support of the government of the State of California for the thirty-second fiscal year.

Consideration resumed.

Mr. Dickinson moved to amend by striking out, on line twenty-three, page two, printed bill, the words "one thousand six hundred," and inserting the words "two thousand."

Upon the adoption of which the ayes and noes were demanded by Messrs. Enos, Johnson, and Kelly, with the following result:

AYES—Messrs. Brown, Byrnes, Conger, Dickinson, Hittell, Johnson, Lampson, Nelson, Neumann, Rowell, and Ryan—11.

NOES—Messrs. Anderson, Baker, Chase, Cheney, Davis, Enos, Glascock, Gorman, Harlan, Hill, Johnston, Langford, Moreland, Nye, Pardee, Pool, Satterwhite, Sears, Traylor, Watson, and West—21.

Lost.

Mr. Enos offered the following as an amendment to line twenty-eight, printed bill: Strike out the word "fifteen" and insert the word "ten."

Upon the adoption of which the ayes and noes were demanded by Messrs. Enos, Pardee, and Nelson, with the following result:

AYES—Messrs. Brown, Enos, Gorman, Johnston, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Sears, and Zuck—12.

NOES—Messrs. Anderson, Baker, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Glascock, Hill, Hittell, Johnson, Kelly, Lampson, Nye, Ryan, Satterwhite, Traylor, Watson, and West—20.

Lost.

Mr. Chase was granted leave of absence for half an hour.

Mr. Rowell moved to amend by striking out all of line twenty-eight, after the word "dollars," and all of line twenty-nine.

Carried.

Mr. Johnson offered the following: Amend section one by inserting, after line forty-nine of said section, printed bill, the words "For contingent expenses in the Treasurer's office, one hundred dollars."

Lost.

Mr. Sears offered the following: Insert in line forty-seven, after the word "expressage," the words "and contingent expenses."

Adopted.

Mr. Johnson moved to amend by striking out, in line forty-seven, the words "one hundred and fifty," and inserting the words "two hundred."

Lost.

Mr. Moreland moved to amend by striking out the words "Deputy Attorney-General," in line fifty-one, and inserting the words "Clerk to Attorney-General;" also, to strike out the word "twenty-four," in same line, and insert the word "sixteen."

Upon the adoption of which the roll was called, with the following result:

AYES—Messrs. Carlock, Enos, Gorman, Hill, Hudson, Langford, Moreland, Nye, Sears, and Zuck—10.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Cheney, Conger, Davis, Dickinson, Glascock, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Pardee, Pool, Rowell, Ryan, Traylor, Watson, and West—22.

Lost.

Mr. Enos moved to strike out line fifty-one.

Lost.

Mr. Zuck moved to strike out, in line fifty-two, the words "two hundred and fifty," and insert the words "one hundred."

Lost.

Mr. Nye moved to amend line fifty-two by striking out the word "two," and inserting the word "one."

Upon which the ayes and noes were demanded by Messrs. Zuck, Enos, and Nye, with the following result:

AYES—Messrs. Anderson, Carlock, Davis, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Moreland, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, and Zuck—21.

NOES—Messrs. Byrnes, Cheney, Conger, Dickinson, Johnson, Ryan, Traylor, and Watson—8.

Adopted.

Mr. Zuck moved to strike out line fifty-four, page three, printed bill.

Lost.

Mr. Moreland moved to strike out the words "seventy-six thousand," on lines ninety-one and ninety-two, and insert instead the words "forty-five thousand two hundred and fifty."

Mr. Hill offered the following as an amendment to the amendment: Strike out, on line ninety-one, page four, printed bill, the word "seventy-six," and insert instead the word "fifty."

Upon which, the ayes and noes were demanded by Messrs. Johnson, Hill, and Nye, with the following result:

AYES—Messrs. Chase, Davis, Glascock, Gorman, Harlan, Hill, Johnston, Lampson, Moreland, Rowell, Satterwhite, Sears, West, and Zuck—14.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, Hittell, Johnson, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Traylor, and Watson—17.

Lost.

Mr. Satterwhite moved to amend by striking out, on line ninety-one, the word "seventy-six," and inserting the word "sixty."

Upon which the ayes and noes were demanded by Messrs. Glascock, Gorman, and Moreland, with the following result:

AYES—Messrs. Chase, Davis, Glascock, Gorman, Harlan, Hill, Lampson, Moreland, Rowell, Satterwhite, Sears, and Zuck—12.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, Hittell, Johnson, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Traylor, and Watson—17.

Lost.

Mr. Glascock moved to strike out lines one hundred and twenty-nine and one hundred and thirty of printed bill.

Mr. West granted leave of absence for the balance of the session.

Mr. Johnson moved that the further consideration of Assembly Bill No. 574 be continued and made the special order for one o'clock and thirty minutes p. m., and to be then continued until disposed of.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Burt, Chase, Conger, Davis, Glascock, Gorman, Harlan, Hill, Hittell,

Hudson, Johnson, Kelly, Lampson, Moreland, Nye, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, West, and Zuck—24.

NOES.—Messrs. Brown, Byrnes, Carlock, Cheney, Dickinson, Enos, Johnston, Langford, Nelson, and Neumann—10.

Carried.

RECESS.

The hour having arrived, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck.

Quorum present.

REPORT FROM THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, April 15th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bills Nos. 117, 139, 251, 374, 439, and 462, and that the same have this day been placed in the hands of the Governor, at one o'clock P. M.

HUDSON, Chairman.

Senate Bill No. 385—An Act to amend sections two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty-one, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and ninety-eight, two thousand seven hundred and three, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, two thousand six hundred and forty-eight, two

thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-four, two thousand six hundred and fifty-eight, two thousand six hundred and eighty-six, two thousand seven hundred and four, two thousand seven hundred and fifty-seven, of the Political Code, relating to roads and highways.

Taken up out of order.

Read third time, and passed by the following vote:

AYES.—Messrs. Anderson, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Ryan, Sears, Traylor, and Watson—30.

NOES.—Messrs. Rowell and Zuck—2.

Title read and approved.

Ordered transmitted immediately to the Assembly

Mr. Watson, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Assembly Bill No. 505 was lost.

Upon which the ayes and noes were demanded by Messrs. Hill, Zuck, and Watson, with the following result:

AYES.—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—28.

NOES.—Messrs. Glascock, Hill, Lampson, Moreland, Nelson, Nye, and Satterwhite—7.

Carried.

Assembly Bill No. 505—An Act to grant to certain parties therein named the right of way for a railroad from the Town of Truckee, Nevada County, to the Town of Quincy, Plumas County.

Read third time, and passed by the following vote:

AYES.—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Pool, Ryan, Traylor, and West—26.

NOES.—Messrs. Burt, Glascock, Hill, Lampson, Moreland, Nye, Rowell, Satterwhite, Sears, and Zuck—10.

Title read and approved.

Ordered immediately transmitted to the Assembly.

Assembly Bill No. 99—An Act to amend sections five hundred and ninety-six and six hundred and sixty-three of the Political Code, and to amend section four hundred and fifty, and repeal sections four hundred and fifty-one and four hundred and fifty-two of the Civil Code, relating to life insurance.

Upon the passage of the bill the roll was called, and the bill passed by the following vote:

AYES.—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hudson, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, and Zuck—25.

NOES.—Messrs. Glascock, Hill, Johnson, Johnston, Kelly, Moreland, Nelson, Ryan, and Satterwhite—9.

Title read and approved.

Mr. Johnson gave notice that he would file a protest against the passage of Assembly Bill No. 99, on the ground that the bill had not been read a third time.

Mr. Dickinson moved a reconsideration of the vote whereby Assembly Bill No. 99 was passed.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hittell, Hudson, Johnston, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—28.

NOES—Messrs. Glascock, Hill, Johnson, Kelly, Lampson, Moreland, and Satterwhite—7.

Carried.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Cheney, Davis, Dickinson, Enos, Harlan, Hittell, Hudson, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, and Zuck—21.

NOES—Messrs. Brown, Carlock, Chase, Conger, George, Glascock, Gorman, Hill, Johnson, Johnston, Kelly, Lampson, Moreland, and Satterwhite—14.

Title read and approved.

RESOLUTION.

By Mr. Sears (by leave):

Resolved, That the Committee on Public Printing be instructed to examine the Journals of the Senate, in order to ascertain if the corrections which have been made from day to day have been embodied in the printed Journal.

Adopted.

Mr. Hill moved that a committee of three be appointed to act as a Committee of Free Conference, in conjunction with a like committee appointed by the Assembly, in relation to Assembly Bill No. 163.

Carried.

The Chair appointed Messrs. Hill, Johnson, and Dickinson.

Consideration of Assembly Bill No. 574 resumed.

Mr. Zuck moved to amend, on page five, line one hundred and thirty-two, printed bill, by striking out the word "twenty" and inserting the word "fifteen."

Lost.

Mr. Johnson moved to amend section one by inserting the words "for the deficiency of the construction of the Branch State's Prison at Folsom, nine thousand."

Adopted.

In connection therewith Mr. Johnson introduced the following:

SACRAMENTO, April 13th, 1880.

To Senator Grove L. Johnson:

I certify that there will be a deficiency of nine thousand dollars (\$9,000), over the amount now in the Building Fund, due the contractors for the work now completed on the Folsom Branch Prison.

AUG. H. CHAPMAN, Chairman of Board of Directors.

Mr. Zuck moved to amend section one, page five, line one hundred and fifty-four, as follows: Strike out the word "five" and insert the word "three."

Mr. Sears moved as an amendment to the amendment by striking out the entire line one hundred and fifty-four, of printed bill.

Upon which the ayes and noes were demanded by Messrs. Zuck, Hill, and Sears, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Neumann, Nye, Pardee, Pool, Ryan, Sears, Traylor, and Watson—27.

NOES—Messrs. Anderson, Gorman, Lampson, Moreland, Nelson, Rowell, Satterwhite, and Zuck—8.

Adopted.

Mr. Zuck moved to amend section one, page five, line one hundred and fifty-six, printed bill, as follows: Strike out the word "eighteen," and insert instead the word "sixteen."

Mr. Johnson moved as an amendment to the amendment, that the entire line one hundred and fifty-six be stricken out.

Upon which the ayes and noes were demanded by Messrs. Johnson, Hill, and Traylor, with the following result:

AYES—Messrs. Brown, Burns, Carlock, Hudson, Johnson, Johnston, Nelson, Traylor, and Watson—9.

NOES—Messrs. Anderson, Baker, Chase, Cheney, Conger, Davis, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, and Zuck—26.

Lost.

Original motion lost.

Mr. Zuck moved to amend section one, page six, by striking out line one hundred and fifty-nine.

Upon which the ayes and noes were demanded by Messrs. Enos, Chase, and Zuck, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Davis, Dickinson, Enos, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Nelson, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, and Zuck—24.

NOES—Messrs. Anderson, Cheney, Conger, Glascock, Gorman, Johnson, Kelly, Moreland, Neumann, Ryan, and Satterwhite—11.

Adopted.

Mr. Enos moved to amend section one, line one hundred and sixty, page six, printed bill, by striking out the words "four thousand," and inserting the words "two thousand."

Upon which the ayes and noes were demanded by Messrs. Enos, Pardee, and Brown, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Enos, Hill, Hittell, Hudson, Johnston, Kelly, Langford, Nelson, Neumann, Pardee, Satterwhite, Traylor, and Zuck—19.

NOES—Messrs. Anderson, Davis, Dickinson, Glascock, Gorman, Harlan, Johnson, Lampson, Moreland, Nye, Rowell, Ryan, Sears, and Watson—14.

Adopted.

Mr. Glascock moved to amend section one, page six, by striking out lines one hundred and sixty-three, one hundred and sixty-four, and one hundred and sixty-five, of printed bill.

Mr. Johnston offered the following as a substitute for the amendment: Strike out, in line one hundred and sixty-five, the word "thirty-six" and insert the word "twenty-five."

Adopted.

Upon the motion to strike out lines one hundred and sixty-three, one hundred and sixty-four, and one hundred and sixty-five, the vote, on suggestion of Mr. Sears, was taken separately upon each of the lines to be stricken out.

Upon the question, "Shall line one hundred and sixty-three be stricken out?" the ayes and noes were demanded by Messrs. Sears, Zuck, and Rowell, with the following result:

AYES—Messrs. Chase, Conger, Glascock, Gorman, Harlan, Hill, Hittell, Nelson, Pardee, Satterwhite, Sears, and Zuck—12.

NOES—Messrs. Anderson, Burt, Byrnes, Carlock, Cheney, Davis, Dickinson, Enos, George, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Ryan, Traylor, and Watson—23.

Lost.

Upon the question, "Shall lines one hundred and sixty-four and one hundred and sixty-five be stricken out?" the ayes and noes were demanded by Messrs. Watson, Sears, and Davis, with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Chase, Conger, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Nelson, Nye, Pardee, Satterwhite, Sears, and Zuck—18.

NOES—Messrs. Anderson, Carlock, Cheney, Davis, Dickinson, Enos, George, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Pool, Rowell, Ryan, Traylor, and Watson—18.

Lost.

Mr. Sears moved to strike out, in line one hundred and sixty-five, page six, printed bill, the words "twenty-five," and insert the word "fifteen."

Lost.

Mr. Johnson moved to amend section one, line one hundred and sixty-nine, printed bill, by adding to the end of said line the words "for repairs of the roof of the State Library, one thousand dollars."

Adopted.

Mr. Moreland moved to amend section one, line one hundred and eighty-two, by striking out the words "thirty-three thousand three hundred dollars," and inserting the words "twenty-eight thousand dollars" in lieu thereof.

Upon which the ayes and noes were demanded by Messrs. Moreland, Zuck, and Enos, with the following result:

AYES—Messrs. Brown, Conger, Enos, George, Gorman, Hittell, Langford, Moreland, Nelson, and Ryan—10.

NOES—Messrs. Baker, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Glascock, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Neumann, Nye, Pardee, Pool, Rowell, Satterwhite, Sears, Traylor, and Zuck—23.

Lost.

Mr. Satterwhite moved to amend lines one hundred and sixty-four and one hundred and sixty-five by striking out the words "doings and," and change the word "subjects" to "subject," and insert the word "the" before the word "subject" in line one hundred and sixty-four.

Upon which the ayes and noes were demanded by Messrs. Satterwhite, Davis, and Hill, with the following result:

AYES—Messrs. Baker, Chase, Conger, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, and Satterwhite—20.

NOES—Messrs. Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, George, Johnson, Johnston, Kelly, Ryan, Sears, Traylor, and Watson—14.

Adopted.

Mr. Hill moved to amend section one, line one hundred and eighty-three, by striking out the word "indigent."

Adopted.

Mr. Enos moved to amend section one, line one hundred and eighty-five, by striking out the same.

Lost.

Mr. Rowell moved to amend section one, lines two hundred and twelve and two hundred and thirteen, by striking out the same.

Lost.

Mr. Glascock moved to amend section one, by striking out lines two hundred and fifteen, two hundred and sixteen, two hundred and seventeen, two hundred and eighteen, two hundred and nineteen, two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, and two hundred and twenty-seven.

Upon which the ayes and noes were demanded by Messrs. Glascock, Satterwhite, and Hill, with the following result:

AYES—Messrs. Chase, George, Glascock, Gorman, Hudson, Moreland, Nelson, Nye, and Satterwhite—9.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Neumann, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Watson—26.

Lost.

Mr. Enos moved to amend section one, lines sixty-seven and sixty-eight, printed bill, by inserting between lines sixty-seven and sixty-eight the words "one thousand six hundred dollars for Clerk of the Superintendent of Public Instruction."

Adopted.

Mr. Neumann moved to amend line sixty, page three, by striking out the words "three thousand two hundred dollars," and inserting the words "four thousand eight hundred dollars."

Adopted.

Mr. Johnson moved to amend section one, line one hundred and sixteen, by striking out the words "twelve thousand," and inserting in lieu thereof the words "eighteen thousand nine hundred."

Lost.

Mr. Carlock moved to amend section one, lines two hundred and twenty-five, two hundred and twenty-six, and two hundred and twenty-seven, by striking out the word "eight" and inserting the word "ten."

Withdrawn.

Mr. Brown moved to amend line ninety-seven, page four, printed bill, by striking out the word "two" and inserting the word "three."

Mr. Johnson moved a reconsideration of the vote whereby amendment to line one hundred and sixteen, section one, was lost.

Upon which the ayes and noes were demanded by Messrs. Johnson, Johnston, and Baker, with the following result:

AYES—Messrs. Baker, Carlock, Chase, Cheney, Dickinson, Enos, George, Gorman, Hudson, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pardee, Pool, Ryan, and Watson—19.

NOES—Messrs. Burt, Brown, Byrnes, Davis, Glascock, Harlan, Hill, Lampson, Langford, Moreland, Rowell, Satterwhite, Sears, Traylor, and Zuck—15.

Amendment reconsidered.

The question now recurred upon the motion to amend section one, line one hundred and sixteen, by striking out the words "twelve thousand," and inserting the words "eighteen thousand nine hundred."

The ayes and noes were demanded by Messrs. Sears, Johnson, and Byrnes, with the following result:

AYES—Messrs. Byrnes, Carlock, Chase, Cheney, Conger, Enos, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pool, Ryan, and Watson—15.

NOES—Messrs. Anderson, Baker, Brown, Davis, George, Glascock, Harlan, Hill, Hittell, Lampson, Moreland, Pardee, Rowell, Satterwhite, Sears, Traylor, and Zuck—17.

Lost.

Mr. Dickinson announced that he was paired with Mr. Burt; Mr. Dickinson would vote "aye," and Mr. Burt "no."

Mr. Johnson moved a reconsideration of the vote whereby the amendment offered by Mr. Moreland to line one hundred and eighty-two, page six, printed bill, was lost.

Withdrawn by the author.

RECESS.

At five o'clock and ten minutes P. M., on motion of Mr. Pardee, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at seven o'clock and thirty minutes P. M. President pro tem. Baker in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Quorum present.

REPORTS OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, April 15th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bills Nos. 143, 151, 148, and 361, and the same have, this day, been placed in the hands of the Governor, at three o'clock P. M.

HUDSON, Chairman.

Also:

SENATE CHAMBER, April 15th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bills Nos. 89, 150, 152, 161, 163, 165, 167, 245, 270, 306, 368, 458, 459, 460, 463, 464, 465, 466, and 362, and that the same have, this day, been placed in the hands of the Governor, at seven o'clock and twenty minutes P. M.

HUDSON, Chairman.

Mr. Zuck, pursuant to notice given yesterday, now moved a reconsideration of the vote whereby Senate Bill No. 519 was passed.

The roll was called, with the following result:

AYES—Messrs. Burt, Carlock, Davis, Glascock, Hudson, Johnson, Johnston, Pool, Rowell, and Zuck—10.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hittell, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Pardee, Ryan, Satterwhite, Sears, and Watson—23.

Lost.

Mr. Carlock, pursuant to notice given, now moved to reconsider the vote whereby the Senate refused to adopt the resolution relating to the payment of the Clerk of the Committee on Fish and Game.

Mr. Sears moved to lay the motion to reconsider on the table.

Upon which the ayes and noes were demanded by Messrs. Hill, Zuck, and Sears, with the following result:

AYES—Messrs. Baker, Burt, Davis, George, Gorman, Hill, Hudson, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, and Zuck—14.

NOES—Messrs. Anderson, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Harlan, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Neumann, Pool, Ryan, Traylor, and Watson—22.

Lost.

The question now recurred upon the motion to reconsider the vote by which the resolution was lost.

Upon which the ayes and noes were demanded by Messrs. Zuck, Hill, and Burt, with the following result:

AYES—Messrs. Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Nelson, Pool, Ryan, and Traylor—19.

NOES—Messrs. Anderson, Baker, Burt, Davis, George, Gorman, Harlan, Hill, Hudson, Moreland, Neumann, Nye, Pardee, Rowell, Satterwhite, Sears, Watson, and Zuck—18.

Carried.

Mr. Satterwhite moved that the resolution be continued and made the special order for to-morrow, at one o'clock and thirty minutes P. M.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Sears, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Davis, George, Gorman, Harlan, Hill, Hudson, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, and Zuck—18.

NOES—Messrs. Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Nelson, Neumann, Pool, Ryan, Traylor, and Watson—19.

Lost.

The question now recurred upon the adoption of the resolution.

Upon which the ayes and noes were demanded by Messrs. Johnson, Hill, and Zuck, with the following result:

AYES—Messrs. Brown, Byrnes, Carlock, Chase, Cheney, Conger, Dickinson, Enos, Glascock, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Nelson, Pool, Rowell, Satterwhite, and Traylor—20.

NOES—Messrs. Anderson, Baker, Burt, Davis, George, Gorman, Harlan, Hill, Hudson, Moreland, Neumann, Nye, Pardee, Rowell, Sears, Watson, and Zuck—17.

Resolution adopted.

Mr. Satterwhite offered to give notice of reconsideration on to-morrow.

Mr. Johnson raised the point of order that no notice could be given on the day preceding the last day of the session.

The Chair ruled the point of order well taken.

Consideration of Assembly Bill No. 574 resumed.

Mr. Harlan moved to amend section one, line one hundred and sixteen, printed bill, by striking out the word "twelve" and inserting in lieu thereof the word "eighteen."

Adopted.

Bill ordered on file for third reading.

Mr. Johnson moved that Assembly Bill No. 576 be taken up out of order.

Carried.

Assembly Bill No. 576—An Act to amend section three thousand seven hundred and thirteen of the Political Code, reported from the Assembly.

Read first time.

Mr. Sears moved that so much of section fifteen, article four, of the Constitution, relating to the reading of bills, be dispensed with on the ground of urgency, so that the bill be read a second time.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Harlan, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Watson, and Zuck—32.

NOES—Mr. Gorman—1.

Carried.

Bill read second time.

Senate as in Committee of the Whole.

Bill ordered on file for third reading.

Mr. Conger moved Assembly Bill No. 248 be now taken up.

Upon which the ayes and noes were demanded by Messrs. Enos, Conger, and Nelson, with the following result:

AYES—Messrs. Brown, Byrnes, Chase, Conger, Davis, Dickinson, Enos, Gorman, Hittell, Langford, Nelson, and Neumann—12.

NOES—Messrs. Anderson, Baker, Carlock, Cheney, George, Harlan, Hill, Hudson, Johnson, Johnston, Kelly, Moreland, Nye, Pardee, Rowell, Satterwhite, Sears, Watson, and Zuck—19.

Lost.

Mr. Nye, pursuant to notice given by Mr. Johnson, on yesterday, now moved a reconsideration of the vote whereby Assembly Bill No. 211 failed to pass.

Carried.

Mr. Nye moved that Assembly Bill No. 211 be placed at the head of the third reading file for to-morrow.

So ordered.

Assembly Bill No. 212—An Act to amend sections one thousand and seventy-six, one thousand one hundred and twenty-five, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, and one thousand one hundred and eighty-one, of the Penal Code, relative to proceedings after the commencement of the trial and before judgment.

Taken up out of order.

Read second time.

Senate considered as in Committee of the Whole, amendments adopted in Senate, and bill ordered number two on third reading file.

Assembly Bill No. 567—An Act to amend section two hundred and ninety of the Civil Code, in regard to articles of incorporation.

Taken up out of order.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, Taylor, Watson, and Zuck—33.

NOES—None.

Title read and approved.

Assembly Bill No. 590—An Act to amend section three thousand seven hundred and forty-six of the Political Code.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—33.

NOES—None.

Title read and approved.

Mr. Sears moved that Assembly Bill No. 519 be taken up out of order.

Upon which the ayes and noes were demanded by Messrs. Davis, Hill, and Enos, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Hudson, Johnson, Langford, Moreland, Nye, Rowell, Sears, Traylor, Watson, and Zuck—22.

NOES—Messrs. Byrnes, Chase, Conger, George, Johnston, Lampson, Neumann, Pardee, Pool, Ryan, and Satterwhite—11.

Carried.

At nine o'clock and forty minutes P. M. Mr. Pardee moved to adjourn.

Lost.

Assembly Bill No. 519—An Act to amend certain sections of the Political Code contained in chapters one, two, three, four, and five, part four, title two, and to add other sections thereto, and to establish a system of county governments.

President Mansfield in the chair.

Senate considered as in Committee of the Whole.

In Senate.

Mr. Davis moved to strike out the enacting clause.

Upon which the ayes and noes were demanded by Messrs. Baker, Davis, and Enos, with the following result:

AYES—Messrs. Chase, Cheney, Conger, Davis, Glascock, Nelson, Pardee, Pool, Ryan, and Satterwhite—10.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Neumann, Nye, Rowell, Sears, Traylor, Watson, and Zuck—27.

Lost.

Mr. Zuck moved the previous question.

Lost.

Senate considered as in Committee of the Whole.

In Senate.

At ten o'clock and forty-four minutes P. M. Mr. Johnson moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Burt, Sears, and Brown, with the following result:

AYES—Messrs. Conger, Johnson, Johnston, Kelly, Nelson, Pardee, Pool, Ryan, and Satterwhite—9.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Cheney, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Moreland, Neumann, Nye, Rowell, Sears, Traylor, Watson, and Zuck—25.

Lost.

Mr. Johnson moved that the further consideration of Assembly Bill No. 519 be continued until after the disposition of Assembly Bill No. 574, and that the same be now taken up.

Upon which the ayes and noes were demanded by Messrs. Zuck, Johnson, and Enos, with the following result:

AYES—Messrs. Baker, Burt, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Traylor, and Watson—30.

NOES—Messrs. Anderson, Brown, Hill, Lampson, Sears, and Zuck—6.

Carried.

Mr. Johnson moved that so much of section fifteen, article four, of the Constitution, be dispensed with, requiring bills to be read on three several days, on the grounds of urgency, and that Assembly Bill No. 574 be now taken up.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Chase, Cheney, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, and Watson—31.

NOES—Messrs. Brown, Carlock, Lampson, and Nelson—4.

The motion prevailed.

Assembly Bill No. 574—An Act making appropriations for the support of the government of the State of California for the thirty-second fiscal year.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—34.

NOES—Messrs. Chase, Moreland, and Nelson—3.

Title read and approved.

REPORT OF THE COMMITTEE ON ENROLLMENT.

By Mr. Hudson:

SENATE CHAMBER, April 15th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bill No. 131, and that the same has this day been placed in the hands of the Governor, at nine o'clock and forty-five minutes p. m.

HUDSON, Chairman.

Mr. Johnson moved that Assembly Bill No. 576 be taken up out of order.

Upon which the ayes and noes were demanded by Messrs. Johnson, Davis, and Hill, with the following result:

AYES—Messrs. Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, and Watson—28.

NOES—Messrs. Anderson, Baker, Brown, Byrnes, Harlan, Hill, Lampson, Moreland, and Zuck—9.

Carried.

Mr. Johnson moved that this be declared a case of urgency, and that so much of section fifteen, article four, of the Constitution, relat-

ing to the reading of bills, be dispensed with, and that the bill be now read a third time.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—34.

NOES—Messrs. Brown, Hill, and Lampson—3.

Carried.

Assembly Bill No. 576—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—37.

NOES—None.

Title read and approved.

Consideration of Assembly Bill No. 519 resumed.

Senate considered as in Committee of the Whole.

In Senate.

At eleven o'clock and twenty minutes P. M. Mr. Pardee moved to adjourn.

Lost.

Mr. Baker called for the reading of the bill at length.

The Chair so ordered.

Mr. Satterwhite on the floor.

Mr. Baker raised the point of order that the Chair had directed the bill to be read at length, and no debate could be had during the reading of the bill, nor amendments considered.

The Chair decided the point well taken.

Mr. Satterwhite appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

At twelve o'clock and three minutes P. M. Mr. Pardee moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Burt, Hill, and Nye, with the following result:

AYES—Messrs. Carlock, Chase, Conger, Enos, Glascock, Johnson, Kelly, Langford, Nelson, Pardee, Pool, and Ryan—12.

NOES—Anderson, Baker, Burt, Brown, Cheney, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Rowell, Satterwhite, Sears, Traylor, Watson, and Zuck—24.

Lost.

The question recurred upon the appeal from the decision of the Chair.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Langford, Moreland, Neumann, Pool, Rowell, Traylor, Watson, and Zuck—20.

NOES—Messrs. Carlock, Chase, Cheney, Conger, Dickinson, Enos, George, Glascock, Gorman, Kelly, Nelson, Nye, Pardee, Ryan, and Satterwhite—15.

Decision of the Chair sustained.

Mr. Satterwhite was granted leave of absence for the balance of the evening.

At twelve o'clock and twelve minutes A. M. Mr. Carlock moved to adjourn.

Lost.

Mr. Glascock asked leave of absence for the rest of the evening.

Upon which the ayes and noes were demanded by Messrs. Johnson, Baker, and Rowell, with the following result:

AYES—Messrs. Anderson, Byrnes, Chase, Davis, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Johnston, Neumann, Nye, Pool, Rowell, Traylor, and Watson—18.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Conger, Hill, Kelly, Lampson, Moreland, Nelson, Pardee, Ryan, Sears, and Zuck—15.

Mr. Glascock granted leave of absence.

Mr. Conger moved that the further reading of the bill at length be dispensed with.

Lost.

Mr. Enos asked leave of absence for the rest of the evening.

The ayes and noes were demanded upon the same, with the following result:

AYES—Messrs. Byrnes, Cheney, Conger, Davis, Johnson, Kelly, Lampson, Nelson, Rowell, and Ryan—10.

NOES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Dickinson, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Langford, Moreland, Neumann, Nye, Pardee, Pool, Sears, Traylor, and Zuck—22.

Leave of absence not granted.

Mr. Johnson moved that the further reading of Assembly Bill No. 519 be dispensed with temporarily, and that the Senate do now take up Assembly messages.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hittell, Hudson, Johnson, Kelly, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Watson—24.

NOES—Messrs. Anderson, Baker, Burt, Brown, Hill, Johnston, Lampson, Langford, and Zuck—9.

Carried.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fifteenth, eighteen hundred and eighty, concurred in Senate amendments numbers one, two, three, four, five, six, seven, eight, ten, eleven, twelve, thirteen, fourteen, and fifteen, to Assembly Bill No. 574—An Act making appropriations for the support of the government of the State of California, for the thirty-second fiscal year—and refused to concur in Senate amendment number nine thereto, and respectfully ask the Senate to recede therefrom.

C. E. GUNN, Chief Clerk.

Assembly Bill No. 574, above reported, taken up for consideration of Senate amendment.

Mr. Moreland moved that the Senate recede from Senate amendment number nine.

Upon which the ayes and noes were demanded by Messrs. Enos, Zuck, and Burt, with the following result:

AYES.—Messrs. Anderson, Davis, Enos, Gorman, Harlan, Hill, Hittell, Johnston, Lampson, Langford, Moreland, Nye, Pool, Rowell, and Ryan—15.

NOES.—Messrs. Baker, Burt, Brown, Byrnes, Cheney, Conger, Dickinson, George, Hudson, Johnson, Kelly, Neumann, Pardee, Sears, Traylor, and Watson—16.

Senate refused to recede.

At one o'clock and two minutes A. M. Mr. Pardee moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Zuck, Hill, and Burt, with the following result:

AYES.—Messrs. Conger, Davis, Enos, George, Gorman, Johnson, Kelly, Nelson, Pardee, Pool, and Ryan—11.

NOES.—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Dickinson, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Neumann, Nye, Rowell, Sears, Traylor, Watson, and Zuck—22.

Lost.

Mr. Baker moved to reconsider the vote whereby the Senate refused to recede from the Senate amendment number nine to Assembly Bill No. 574.

Mr. Johnson moved that the motion to reconsider be made the special order for ten o'clock A. M.

At one o'clock and five minutes A. M. Mr. Neumann moved to adjourn.

Upon which, the ayes and noes were demanded by Messrs. Baker, Hill, and Burt, with the following result:

AYES.—Messrs. Conger, George, Johnson, Kelly, Nelson, Neumann, Pardee, Ryan, and Traylor—9.

NOES.—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Davis, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Nye, Pool, Rowell, Watson, and Zuck—23.

Lost.

The question now recurring upon the motion of Mr. Johnson to make the motion to reconsider the special order to-day, at ten o'clock A. M., the ayes and noes were demanded by the requisite number, with the following result:

AYES.—Messrs. Burt, Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, George, Hudson, Johnson, Neumann, Pardee, Sears, Traylor, and Watson—15.

NOES.—Messrs. Anderson, Baker, Davis, Enos, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, Ryan, and Zuck—19.

Lost.

The question now recurred upon the motion to reconsider.

Upon which the ayes and noes were demanded by the requisite number, with the following result:

AYES.—Messrs. Anderson, Baker, Davis, Enos, Gorman, Harlan, Hill, Hittell, Johnston, Lampson, Langford, Moreland, Nelson, Nye, Pool, Rowell, and Ryan—17.

NOES.—Messrs. Burt, Brown, Byrnes, Carlock, Cheney, Conger, Dickinson, George, Hudson, Johnson, Kelly, Neumann, Pardee, Sears, Traylor, Watson, and Zuck—17.

Lost.

At one o'clock and thirteen minutes A. M. Mr. Pardee moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Baker, and Hill, with the following result:

AYES—Messrs. Carlock, Conger, Davis, Enos, Gorman, Johnson, Kelly, Pardee, Pool, Ryan, and Traylor—11.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Dickinson, Harlan, Hill, Hittell, Hudson, Johnston, Neumann, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Rowell, Sears, Watson, and Zuck—22.

Lost.

Consideration of Assembly Bill No. 519 resumed.

Bill read second time.

Senate considered as in Committee of the Whole.

Mr. Sears moved the bill be considered in Senate.

Carried.

Upon the adoption of the following committee amendment, amend section fourteen by striking out subdivision twenty-one, page twelve, and inserting in lieu thereof the following:

21. To provide for the payment of the compensation of county and township officers, when not otherwise provided for: but until otherwise provided, the measure of compensation for all such officers shall be and remain, and be payable, in the same manner as now established by law.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Cheney, Conger, Davis, Dickinson, Enos, Johnson, Johnston, Kelly, Nelson, Nye, Pardee, and Ryan—13.

NOES—Messrs. Anderson, Burt, Brown, Carlock, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Moreland, Neumann, Pool, Rowell, Sears, Watson, and Zuck—17.

Amendment lost.

At one o'clock and thirty minutes P. M. Mr. Pardee moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Baker, and Hill, with the following result:

AYES—Messrs. Conger, Davis, Enos, Johnson, Kelly, Langford, Pardee, Pool, Ryan, and Traylor—10.

NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Cheney, Dickinson, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Nelson, Neumann, Nye, Rowell, Sears, Watson, and Zuck—22.

Lost.

Committee amendment to section seventeen, by inserting after the word "Coroner," in line seventeen of printed bill, the words, "a Public Administrator."

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Watson, with the following result:

AYES—Messrs. Byrnes, Cheney, Conger, Dickinson, Enos, Johnston, Kelly, Langford, Nelson, Nye, Pardee, and Ryan—12.

NOES—Messrs. Anderson, Baker, Burt, Brown, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Lampson, Moreland, Neumann, Pool, Rowell, Sears, Traylor, Watson, and Zuck—19.

Lost.

Committee amendment to section twenty, line twenty, by striking out of printed bill, after the word "laws," the words "for two years," insert after the word "eighty," in line seven of printed bill, the word "two;" strike out after the word "eighty," in line eight of printed bill, the remainder of said line and all of lines nine, ten, and eleven down to and including the word "two," in line twelve, and insert after the word "eighty," in said line eight, the word "three."

Upon the adoption of which the ayes and noes were demanded by Messrs. Zuck, Baker, and Sears, with the following result:

AYES—Messrs Byrnes, Cheney, Conger, Dickinson, Enos, Johnson, Kelly, Nelson, Pardee, and Ryan—10.

NOES—Messrs. Anderson, Baker, Burt, Brown, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Sears, Traylor, Watson, and Zuck—19.

Lost.

Upon the adoption of committee amendment to section thirty-seven, by striking out all down to and including the word "three," in line six, the ayes and noes were demanded by Messrs. Baker, Burt, and Brown, with the following result:

AYES—Messrs. Byrnes, Cheney, Conger, Enos, Johnson, Kelly, Nelson, Pardee, and Ryan—9.

NOES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Sears, Traylor, Watson, and Zuck—20.

Lost.

Mr. Johnson moved to amend section eight to read as follows:

SECTION 8. Section four thousand and twenty-four of said Code is amended to read as follows:

Section 4024. Supervisors shall be elected at the general election held in November, eighteen hundred and eighty-two, and their terms of office shall begin on the first Monday after the first day of January, eighteen hundred and eighty-three, and shall be for four years.

Upon which the roll was called, with the following result:

AYES—Messrs. Conger, Johnson, Johnston, Kelly, Nelson, Neumann, Pardee, and Ryan—8.
NOES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Dickinson, Harlan, Hill, Hittell, Hudson, Lampson, Moreland, Nye, Pool, Rowell, Sears, Traylor, Watson, and Zuck—20.

Lost.

Also, moved to amend section ten as follows:

SECTION 10. Section four thousand and twenty-six is amended to read as follows:

Section 4026. Whenever a vacancy occurs in the Board of Supervisors, from any cause, the Governor shall fill the vacancy, by appointment, for the unexpired term.

Upon which the ayes and noes were demanded by Messrs. Baker, Burt, and Johnson, with the following result:

AYES—Messrs. Byrnes, Conger, Dickinson, Enos, Johnson, Kelly, Nelson, Neumann, Nye, Pardee, and Ryan—11.

NOES—Messrs. Anderson, Baker, Burt, Brown, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Pool, Rowell, Sears, Watson, and Zuck—16.

Lost.

Mr. Johnson moved to amend section fourteen, subdivision twenty-one, by striking out all of lines one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, and one hundred and twenty-seven, and the words "the same," in line one hundred and twenty-eight, and insert in lieu thereof the words and figures as follows:

21. To provide for the payment of the compensation of all county and township officers, and their Clerks and Deputies.

Upon which the roll was called, with the following result:

AYES—Messrs. Byrnes, Johnson, and Nye—3.

NOES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Pool, Rowell, Sears, Traylor, Watson, and Zuck—19.

Lost.

Also, moved to amend section twenty to read as follows:

SECTION 20. Section forty-one hundred and nine is amended so as to read as follows:

Section 4100. The county officers, except Superior Judges, shall be elected at the general election in eighteen hundred and eighty-two, and at the general election every four years thereafter. The Superior Judges shall be elected at the general election in eighteen hundred and eighty-four, and at the general election every six years thereafter. Township officers shall be elected at the general election in eighteen hundred and eighty, and at the general election every two years thereafter. The terms of all officers mentioned in this section, except judicial officers and County School Superintendents, shall begin on the first Monday in March succeeding their election. Every officer must hold his office, and discharge the duties thereof, until his successor is legally elected and qualified.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Johnston, and Neumann—3.

NOES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, Gorman, Harlan, Hill, Hittell, Hudson, Lampson, Moreland, Nye, Pool, Rowell, Sears, Watson, and Zuck—18.

Lost.

Also, moved to amend section seventeen to read as follows:

SECTION 17. Section four thousand one hundred and three of said Code is amended to read as follows:

Section 4103. The officers of a county are:

A Superior Judge, provided that the Counties of Alameda, Los Angeles, Sonoma, Sacramento, Santa Clara, and San Joaquin, shall each elect two Superior Judges, and the Counties of Sutter and Yuba, combined, one;

A Treasurer;

A County Clerk;

An Auditor;

A Sheriff;

A Tax Collector;

A District Attorney;

A Recorder;

An Assessor;

A Surveyor;

A School Superintendent;

A Coroner;

A Public Administrator;

The members of the Board of Supervisors.

Upon which the roll was called, with the following result:

AYES—Mr. Byrnes—1.

NOES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Sears, Watson, and Zuck—20.

Lost.

Also, moved to amend section thirty-seven, by adding thereto as follows: "*Provided further*, that in all counties of the first class, the Supervisors may each receive twelve hundred dollars per annum and legal mileage."

Upon which the roll was called, with the following result:

AYES—Messrs. Byrnes, Dickinson, Enos, Johnson, Johnston, and Neumann—6.

NOES—Messrs. Anderson, Baker, Burt, Brown, Harlan, Hill, Hittell, Hudson, Lampson, Moreland, Nye, Pool, Rowell, Sears, Watson, and Zuck—16.

Lost.

Mr. Ryan moved to amend section fourteen, line fifty-eight, printed bill, by striking out the words "seventy cents," and inserting in lieu thereof the words "one dollar and twenty-five cents."

Upon which the roll was called, with the following result:

AYES—Messrs. Byrnes and Traylor—2.

NOES—Messrs. Anderson, Baker, Burt, Brown, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Sears, Watson, and Zuck—18.

Lost.

Mr. Enos excused from voting.

Mr. Johnston in the chair.

Mr. Johnson moved to amend section three by striking out subdivision one thereof and renumbering the remaining subdivisions.

Upon the adoption of which the ayes and noes were demanded by Messrs. Baker, Burt, and Hill, with the following result:

During the calling of the roll Mr. Neumann moved that the rules be suspended, and that Senator Johnson be excused from voting.

Upon which the ayes and noes were demanded by Messrs. Enos, Johnson, and Baker, with the following result:

AYES—Messrs. Byrnes, Cheney, Enos, Nelson, Neumann, and Pool—6.

NOES—Messrs. Anderson, Baker, Burt, Brown, Conger, Dickinson, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Nye, Rowell, Sears, Watson, and Zuck—18.

Lost.

Upon the amendment to section three the vote stood as follows:

AYES—Messrs. Cheney, Johnson, and Neumann—3.

NOES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Nye, Rowell, Ryan, Sears, Watson, and Zuck—18.

Amendment lost.

Mr. Baker moved the previous question.

Upon which, the ayes and noes were demanded by Messrs. Brown, Baker, and Burt, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Conger, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Sears, Traylor, Watson, and Zuck—21.

NOES—Messrs. Dickinson and Gorman—2.

Carried.

Amendment lost.

Mr. Johnson moved to strike out subdivisions fourteen and fifteen of section fourteen.

Lost.

Upon the question, "Shall the bill be read a third time?" the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Pool, Rowell, Sears, Traylor, Watson, and Zuck—20.

NOES—Messrs. Byrnes, Cheney, Conger, Dickinson, Enos, Nye, and Pardee—7.

Bill ordered to a third reading.

Mr. Johnson moved a reconsideration of the vote whereby Assembly Bill No. 519 was ordered to a third reading.

Upon which the ayes and noes were demanded by Messrs. Hill, Johnson, and Cheney, with the following result:

AYES—Mr. Nye—1.

NOES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Pool, Rowell, Sears, Traylor, Watson, and Zuck—20.

Lost.

At four o'clock and thirty-three minutes A. M. Mr. Johnson moved to adjourn.

The roll was called, with the following result:

AYES—Messrs. Byrnes, Cheney, Conger, Enos, Johnson, Kelly, Pardee, Pool, and Ryan—9.

NOES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Rowell, Sears, Traylor, Watson, and Zuck—19.

Lost.

Mr. Baker moved to make Assembly Bill No. 519 the special order for Friday morning at ten o'clock and fifteen minutes A. M.

The roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Pool, Rowell, Sears, Traylor, Watson, and Zuck—19.

NOES—Mr. Pardee—1.

Carried.

At four o'clock and thirty-eight minutes A. M. Mr. Pardee moved that the Senate adjourn.

Upon which the ayes and noes were demanded by Messrs. Enos, Baker, and Burt, with the following result:

AYES—Messrs. Byrnes, Cheney, Conger, Enos, Gorman, Johnson, Nelson, Pardee, Pool, and Ryan—10.

NOES—Messrs. Anderson, Baker, Burt, Brown, Dickinson, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Moreland, Neumann, Nye, Rowell, Sears, Traylor, Watson, and Zuck—19.

Lost.

Assembly Bill No. 499—An Act to empower consolidated cities and counties of over one hundred thousand inhabitants to make alterations to county prisons and county jails for sanitary purposes.

Taken up out of order.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Cheney, Conger, Dickinson, Enos, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—29.

NOES—None.

Title read and approved.

ADJOURNMENT.

At four o'clock and forty-five minutes A. M., on motion of Mr. Johnson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, April 16th, 1880. }

The Senate met pursuant to adjournment.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, West, and Zuck.

Mr. Moreland moved that the reading of the Journal be temporarily postponed.

Carried.

Assembly Bill No. 296—An Act for the relief of W. S. Safford, taken up out of order, read third time, and not receiving the Constitutional majority required, was lost by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Johnson, Kelly, Lampson, Langford, Nelson, Neumann, Pool, Ryan, and Traylor—19.
 NOES—Messrs. Brown, Carlock, Gorman, Harlan, Hill, Hudson, Moreland, Nye, Pardee, Satterwhite, Sears, and Watson—13.

Mr. Johnson moved a reconsideration of the vote just taken.

In the midst of Mr. Johnson's remarks, Mr. Baker rose to a point of order, that the hour had arrived for the consideration of the special order for ten o'clock and fifteen minutes this morning, and moved that it be temporarily passed.

Mr. Johnson objected to being interrupted, and claimed that he had the floor.

The Chair ruled the special order in order, from which Mr. Johnson appealed.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Johnson, Sears, and Zuck, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Kelly, Lampson, Langford, Moreland, Nye, Pool, Rowell, Satterwhite, Sears, Traylor, Watson, and Zuck—26.
 NOES—Messrs. Cheney, Conger, Enos, Johnson, Nelson, Pardee, and Ryan—7.

Decision of the Chair sustained.

SPECIAL ORDER.

Assembly Bill No. 519—An Act to amend sections of the Political Code, contained in chapters one, two, three, four, and five, part four, title two, and to add other sections thereto, and to establish a system of county governments.

Mr. Baker moved the previous question.

Upon which the ayes and noes were demanded by Messrs. Johnson, Enos, and Sears, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—35.
 NOES—None.

So ordered.

The Chair decided that no business was in order except the reading of the bill.

Mr. Johnson appealed from the decision of the Chair.

Upon the question: "Shall the decision of the Chair stand as the judgment of the Senate?" the roll was called with following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Davis, Dickinson, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Neumann, Nye, Pool, Rowell, Sears, Traylor, Watson, and Zuck—27.

NOES—Messrs. Byrnes, Cheney, Conger, Enos, Johnson, Kelly, Nelson, Pardee, Ryan, and Satterwhite—10.

Decision of Chair sustained.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Davis, George, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Lampson, Langford, Moreland, Neumann, Pool, Rowell, Satterwhite, Sears, Watson, and Zuck—24.

NOES—Messrs. Byrnes, Cheney, Conger, Dickinson, Enos, Glascock, Johnson, Kelly, Nelson, Nye, Pardee, and Ryan—12.

Title read and approved.

Ordered transmitted immediately to the Assembly.

Mr. Moreland moved that a Committee of Conference be appointed to confer in relation to Assembly Bill No. 574.

Carried.

The Chair appointed Messrs. Moreland, Johnson, and Neumann.

Mr. Johnson moved a reconsideration of the vote whereby Assembly Bill No. 296 was lost.

Carried.

Assembly Bill No. 296—An Act for the relief of W. S. Safford.

Upon the passage of the bill the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Chase, Cheney, Conger, Davis, Dickinson, Enos, Harlan, Hittell, Johnson, Johnston, Nelson, Neumann, Pardee, Pool, Ryan, Traylor, and Watson—21.

NOES—Messrs. Carlock, Gorman, Hill, Hudson, Kelly, Lampson, Langford, Nye, Satterwhite, Sears, and Zuck—11.

Mr. Dickinson was substituted in place of Mr. Johnson on the Committee of Conference, by order of the Chair.

Assembly Bill No. 211—An Act to amend sections nine hundred and ninety-five, ten hundred and sixteen, ten hundred and seventeen, ten hundred and twenty, ten hundred and twenty-three, and ten hundred and forty-one, of the Penal Code, relative to pleadings and proceedings after indictment, and before the commencement of the trial.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—29.

NOES—Messrs. Johnson and Nelson—2.

Title read and approved.

Assembly Bill No. 212—An Act to amend sections one thousand and seventy-six, one thousand one hundred and twenty-five, one thousand one hundred and thirty, one thousand one hundred and fifty-one, one thousand one hundred and fifty-five, one thousand one hundred and seventy-three, and one thousand one hundred and eighty-one of the Penal Code, relative to proceedings after the commencement of the trial and before judgment.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Brown, Carlock, Cheney, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnston, Kelly, Lampson, Langford, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck—28.

NOES—Messrs. Chase, Conger, Enos, George, and Johnson—5.

Title read and approved.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April sixteenth, eighteen hundred and eighty, passed Assembly Concurrent Resolution No. 26, relative to extending the time of adjournment *sine die* of the Twenty-third Session of the Legislature of California, until twelve o'clock midnight, April sixteenth, eighteen hundred and eighty.

J. M. WRIGHT, Assistant Clerk.

Assembly Concurrent Resolution No. 26 above reported, read and adopted by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Chase, Davis, Harlan, Hittell, Hudson, Johnston, Lampson, Langford, Nye, Rowell, Satterwhite, Sears, Traylor, Watson, and Zuck—21.

NOES—Messrs. Carlock, Enos, George, Gorman, Johnson, Kelly, Pardee, Pool, and Ryan—9.

Mr. Conger stated that he was paired with Mr. Dickinson; he voting "no" and Mr. Dickinson "aye."

Mr. Glascock stated that he was paired with Mr. Neumann; he voting "no" and Mr. Neumann "aye."

REPORT OF COMMITTEE ON ENROLLMENT.

By Mr. Burt:

SENATE CHAMBER, April 16th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate bills ninety-seven, one hundred and fifty-three, one hundred and forty-nine, one hundred and seventy-seven, one hundred and eighty-two, one hundred and ninety-four, two hundred and nineteen, two hundred and twenty, two hundred and twenty-three, two hundred and twenty-four, two hundred and forty-two, two hundred and forty-eight, two hundred and fifty-two, two hundred and fifty-three, two hundred and sixty-one, two hundred and sixty-three, two hundred and sixty-six, two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy-one, two hundred and seventy-four, two hundred and ninety-eight, three hundred and seven, three hundred and thirty-five, three hundred and twenty-one, three hundred and thirty-nine, three hundred and fifty-one, three hundred and sixty-four, four hundred and three, four hundred and eighteen, four hundred and twenty-seven, four hundred and forty-two, four hundred and seventy-three, and five hundred and sixty-three, and that the same have this day been placed in the hands of the Governor, at ten o'clock and thirty minutes A. M.

BURT, for the Committee.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April sixteenth, eighteen hundred and eighty, passed Senate Bill No. 384—An Act to establish free public libraries and reading rooms.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fifteenth, eighteen hundred and eighty, concurred in Senate amendments to Assembly Bill No. 99—An Act to amend sections five hundred and ninety-six and six hundred and thirty-three of the Political Code, relating to life insurance.

Passed Senate Bill No. 442—An Act to provide for the payment of the amount of interest due to Hastings College of the Law.

Adopted Assembly Concurrent Resolution No. 20—Relative to the preemption laws of the United States.

J. E. BENTON, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty, indefinitely postponed Senate Bill No. 78—An Act to pay the claim of Hiram Clook for services rendered as Porter to the Senate of the Twenty-second Session.

Senate Bill No. 79—An Act to pay the claim of James Saultry for services rendered as Head Porter of the Senate of the Twenty-second Session.

Senate Bill No. 160—An Act to amend sections one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and ninety, and one thousand one hundred and ninety-five, of the Code of Civil Procedure, and to add a new section to said Code, relating to liens of mechanics and others upon real property.

Senate Bill No. 287—An Act to amend section one thousand four hundred and ninety-one of the Code of Civil Procedure, relating to claims against the estates of deceased persons.

Senate Bill No. 330—An Act to amend section seven hundred and thirty-nine of the Code of Civil Procedure, relating to actions to determine conflicting claims to real property.

Senate Bill No. 340—An Act to amend section one thousand eight hundred and sixty-eight of the Political Code, relating to the protection of public schools.

Senate Bill No. 41—An Act to amend section one thousand five hundred and three, and to repeal section one thousand four hundred and ninety-five of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the State Normal School.

Senate Bill No. 60—An Act to amend title eleven, of part four, of the Civil Code, and each and every section thereof, and to substitute a new title eleven, of part four, to take the place thereof in said Code, relating to mining corporations.

April fifteenth, eighteen hundred and eighty, passed Senate Bill No. 476—An Act to provide for funding the indebtedness of cities having a population exceeding seven thousand inhabitants, and not exceeding one hundred thousand.

Senate Bill No. 364—An Act to amend section one thousand five hundred and seventy-three of the Code of Civil Procedure, relating to the time within which certain actions may be commenced.

Senate Bill No. 266—An Act to amend section six hundred and eleven of the Civil Code, relating to cemetery corporations.

Assembly Bill No. 584—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Senate Bill No. 97—An Act to amend section four thousand two hundred and twenty-one of the Political Code, relating to the counting of money in the county treasury.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty, passed Assembly Bill No. 548—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirty-first fiscal year.

J. E. BENTON, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fifteenth, eighteen hundred and eighty, refused passage to Senate Bill No. 383—An Act to establish a Branch State Normal School.

Also, receded from Assembly amendment number four to Senate Bill No. 418—An Act to regulate the sale of certain poisonous substances.

April fifteenth, eighteen hundred and eighty, passed Senate Bill No. 427—An Act to authorize Boards of Supervisors to pay the expenses of posse comitatus in criminal cases.

Passed Senate Bill No. 307—An Act to amend section three hundred and thirty-two of the Penal Code, in relation to swindling by cards or other means.

Passed Senate Bill No. 274—An Act to reimburse the Support Fund of the Deaf and Dumb and Blind Asylum.

Passed Senate Bill No. 232—An Act to amend sections one hundred and five and one hundred and six of the Penal Code, relating to escapes and attempts to escape from State Prison.

Passed Senate Bill No. 268—An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts.

Refused passage to Senate Bill No. 269—An Act entitled an Act to empower Justices of the Peace to hold inquests concerning fires.

Refused passage to Senate Bill No. 144—An Act to amend section three hundred and fifty-nine of the Civil Code, providing for the increase of capital stock of corporations.

Passed Senate Bill No. 269—An Act to amend section four of an Act entitled "An Act to establish a scale for the measurement of logs," approved March twenty-eighth, eighteen hundred and seventy-eight.

Passed Senate Bill No. 271—An Act to amend section four hundred and forty-nine of the Code of Civil Procedure, concerning verifications of pleadings.

April fourteenth, eighteen hundred and eighty, amended, and on April fifteenth, eighteen hundred and eighty, passed as amended, Senate Bill No. 369—An Act to punish baggage-smashers.

April fifteenth, eighteen hundred and eighty, passed Senate Bill No. 220—An Act for the protection of certain kinds of fish.

Passed Senate Bill No. 403—An Act to provide for removing obstructions in Pitt River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries.

Passed Senate Bill No. 263—An Act to add two new sections to the Penal Code, to be numbered four hundred and four hundred and one, relative to the keeping or sale of animals afflicted with glanders or other contagious or infectious diseases.

Passed Senate Bill No. 351—An Act to add a new section to the Penal Code, to be known as section three hundred and eighteen, relating to crimes against good morals, and to punish decoys.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April twelfth, eighteen hundred and eighty, refused to pass Senate Bill No. 211—An Act to amend section one thousand four hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors.

April fourteenth, eighteen hundred and eighty, passed Senate Bill No. 563—An Act to provide for the payment of the salaries and expenses of the Board of Railroad Commissioners for the thirty-first fiscal year ending June thirtieth, eighteen hundred and eighty.

Concurred in Senate amendments to Assembly Bill No. 130—An Act to amend section seven hundred and ninety-one of the Political Code, relating to Notaries Public.

Concurred in Senate amendment to Assembly Bill No. 543—An Act to define, regulate, and govern the State Prisons of California.

Concurred in Senate amendments to Assembly Bill No. 557—An Act to provide an additional Judge of the Superior Court for the County of Mono.

J. E. BENTON, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April thirteenth, eighteen hundred and eighty, struck out the enacting clause of Senate Bill No. 188—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

April fourteenth, eighteen hundred and eighty, passed Senate Bill No. 458—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol building and furniture," during the thirtieth fiscal year.

Senate Bill No. 459—An Act to provide for the deficiency in the appropriation "for traveling expenses of State Board of Education," during the thirtieth fiscal year.

Senate Bill No. 460—An Act to provide for the deficiency in the appropriation "for the continuing expenses of the Supreme Court," during the thirtieth fiscal year.

Senate Bill No. 461—An Act to provide for the deficiency in the appropriation "for arresting criminals without the limits of the State," during the thirtieth fiscal year.

Senate Bill No. 462—An Act to provide for the deficiency in the appropriation "for payment of rewards offered by the Governor," during the thirtieth fiscal year.

Senate Bill No. 463—An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Normal School, for the twenty-ninth and thirtieth fiscal years.

Senate Bill No. 464—An Act to appropriate money for the payment of the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the twenty-ninth fiscal year.

Senate Bill No. 465—An Act to appropriate money for the payment of the deficiency in the appropriation for the transportation of prisoners, for the twenty-ninth fiscal year.

Senate Bill No. 466—An Act to appropriate money for the payment of the deficiency in the appropriation for stationery, fuel, and lights, for the twenty-ninth fiscal year.

April twelfth, eighteen hundred and eighty, amended, and on April fourteenth, eighteen hundred and eighty, passed Senate Bill No. 469—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol building and furniture and grounds," during the twenty-ninth and thirtieth fiscal years.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fifteenth, eighteen hundred and eighty, passed Senate Bill No. 194—An Act to provide for the enlargement of the State Printing Office, and for the repairing and painting of the building.

Senate Bill No. 339—An Act to abolish the payment of bounties for the destruction of gophers in Merced County.

Senate Bill No. 298—An Act to authorize the Boards of Supervisors of the several counties of this State to transfer certain funds.

Senate Bill No. 242—An Act to amend sections six hundred and twenty-six and six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game.

April fourteenth, eighteen hundred and eighty, refused passage to Senate Bill No. 424—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the Trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 14th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fourteenth, eighteen hundred and eighty, passed Senate Bill No. 374—An Act to provide for the further extension of the water front line of the City and County of San Francisco, and the construction of the sea-wall.

Assembly Bill No. 408—An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due to him for the twenty-ninth and thirtieth fiscal years.

Senate Bill No. 117—An Act to repeal section six hundred and sixty-three of the Code of Civil Procedure.

Senate Bill No. 145—An Act to amend section one thousand of the Code of Civil Procedure, relating to inspection of writings.

Senate Bill No. 148—An Act to amend section one thousand and fifty-five of the Code of Civil Procedure, relating to actions against Sheriffs.

Senate Bill No. 149—An Act to repeal section one thousand and fifty-six of the Code of Civil Procedure.

Senate Bill No. 150—An Act to amend section one thousand and fifty-eight of the Code of Civil Procedure, relating to civil actions wherein the State or an officer thereof, or a county, or city, or town, is a party.

Senate Bill No. 151—An Act to amend section one thousand and one hundred and eight of the Code of Civil Procedure, relating to writs of review, mandate, or prohibition.

Senate Bill No. 161—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, and one thousand two hundred and thirty-three, of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Senate Bill No. 163—An Act to amend sections one thousand two hundred and sixty-nine and one thousand two hundred and seventy-two of the Code of Civil Procedure, relating to escheated estates.

J. M. WRIGHT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April fifteenth, eighteen hundred and eighty, passed Assembly Bill No. 498—An Act to empower consolidated cities and counties of over one hundred thousand inhabitants to pay out of the General Fund demands for rent of Court-rooms and Chambers for the Superior Courts, and of police stations, and for salaries of Janitors.

Senate Bill No. 473—An Act to empower and direct the Trustees of Levee District Number One, of Sacramento County, to pay certain indebtedness outstanding against the late Swamp Land District Number Two Hundred and Eighty-seven, and due C. G. Hadden, Charles V. Brockway, Moses Sprague, A. Monton, R. J. Merkle, Philip Herzog, George Peters, Samuel Poorman, Daniel Flint, and Howell Clark, for money and labor expended on repairs on levee.

Assembly Bill No. 331—An Act to amend section seven hundred and ninety-two of the Political Code, relative to qualifications for Notaries Public.

Adopted Assembly Concurrent Resolution No. 25—Relative to swamp land districts.

Assembly Concurrent Resolution No. 18—Relative to the Act of Congress enabling honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States.

Also, April fifteenth, eighteen hundred and eighty, rejected Senate Bill No. 343—An Act to provide for the permanent improvement of the State Capitol Park.

Adopted the report of the Committee on Free Conference upon Assembly Bill No. 163—An

Act to amend section three hundred and thirty-six of the Penal Code, in relation to games of chance at places where liquor is sold.

J. M. WRIGHT, Assistant Clerk.

REPORT OF COMMITTEE OF CONFERENCE.

By Mr. Moreland:

SENATE CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: Your Committee of Conference, appointed to consider the disagreement between the Senate and Assembly on Senate amendment number nine to Assembly Bill No. 574, have had the same under consideration, and recommend that the Senate recede from said amendment.

W. W. MORELAND,
PAUL NEUMANN,
Of Senate Committee.

R. F. DEL VALLE,
GEO. W. TYLER,
SAML. BRAUNHART,
Assembly Committee.

Upon the adoption of the report the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Conger, Davis, Glasecock, Gorman, Harlan, Hill, Hittell, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, and Satterwhite—26.

NOES—Messrs. Byrnes, Dickinson, George, Johnson, Sears, Traylor, Watson, and Zuck—8.

Report adopted.

Mr. Hill, from the Committee on Free Conference, offered the following report:

MR. PRESIDENT: Your Committee of Free Conference upon Assembly Bill No. 163, respectfully report that we have met and considered the matters submitted to us, and your committee unanimously recommend that the Senate recede from all its amendments, and that the bill become a law as passed by the Assembly.

GEO. W. TYLER,
CHARLES N. FOX,
C. HARTSON,
House Committee.

W. J. HILL,
JOHN H. DICKINSON,
GROVE L. JOHNSON,
Senate Committee.

Upon the adoption of the report the roll was called with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Dickinson, George, Harlan, Hill, Johnson, Johnston, Langford, Moreland, Nye, Rowell, and Zuck—16.

NOES—Messrs. Baker, Brown, Byrnes, Conger, Davis, Enos, Glasecock, Gorman, Hittell, Kelly, Nelson, Neumann, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, and Watson—19.

Lost.

ASSEMBLY CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April sixteenth, eighteen hundred and eighty, concurred in Senate amendments to Assembly Bill No. 211—An Act to amend sections of the Penal Code, relative to pleadings and proceedings after indictment and before the commencement of the trial.

Also, adopted the report of Committee on Conference upon Senate amendments to Assembly Bill No. 574.

Also, concurred in Senate amendments to Assembly Bill No. 212—An Act to amend sections of the Penal Code, relative to proceedings after the commencement of the trial and before judgment.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 223, heretofore reported, with Assembly amendments.

Amendments read and concurred in, by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Gorman, Harlan, Hill, Hittell, Johnston, Langford, Moreland, Neumann, Nye, Rowell, Sears, and Traylor—23.

NOES—Messrs. Enos, Glascock, Kelly, Nelson, and Pardee—5.

Assembly Bill No. 548, heretofore reported.

Mr. Johnson moved that it be declared a case of urgency, and that the provisions of section fifteen, article four, of the Constitution, relating to the reading of bills, be dispensed with, and that the bill be now read a second time.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hittell, Johnson, Johnston, Kelly, Langford, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, and Traylor—27.

NOES—Messrs. Burt, Glascock, Gorman, Hill, and Moreland—5.

Carried.

Bill read second time.

Mr. Johnson moved that the provision of section fifteen, article four, of the Constitution, relative to the reading of bills, be further dispensed with, on the grounds of urgency, and that the bill be now read a third time.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, and Traylor—27.

NOES—Messrs. Burt, Gorman, Langford, and Moreland—4.

Carried.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Harlan, Hittell, Johnson, Johnston, Kelly, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, and Traylor—24.

NOES—Messrs. Burt, Glascock, Gorman, Hill, Moreland, and Nelson—6.

Title read and approved.

Assembly Concurrent Resolution No. 25, heretofore reported, read and adopted.

Assembly Bill No. 408, heretofore reported, read first time, and ordered on file for second reading.

Assembly Bill No. 498, heretofore reported, read first time.

Mr. Dickinson moved that the provisions of section fifteen, article four, of the Constitution, relating to the reading of bills, be dispensed with, on the ground of urgency, and that the bill be now read a second time.

The roll was called with the following result:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, and Zuck—27.

NOES—Messrs. Burt and Glascock—2.

Carried.

Bill read second time.

The provision of section fifteen, article four, of the Constitution, relating to the reading of bills, further dispensed with, on the ground of urgency, by the following vote:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Sears, Traylor, and Zuck—27.

NOES—Messrs. Burt and Glascock—2.

Bill read third time, and passed by the following vote:

AYES—Messrs. Baker, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Nelson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, and Zuck—27.

NOES—None.

Title read and approved.

Assembly Bill No. 331, heretofore reported, read first time, and ordered on file for second reading.

Senate Bill No. 369, heretofore reported, with Assembly amendments.

Upon concurrence in amendments, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Conger, George, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Neumann, Nye, Pardee, Pool, Rowell, and Ryan—21.

NOES—Messrs. Enos, Johnson, Sears, and Traylor—4.

Amendments concurred in.

Senate Bill No. 162, heretofore reported with Assembly amendments.

Upon concurrence in the amendments, the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Cheney, Davis, Dickinson, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Nelson, Neumann, Nye, Pardee, Rowell, Ryan, Satterwhite, Sears, and Traylor—24.

NOES—Messrs. Enos and Glascock—2.

Senate Bill No. 164, heretofore reported with Assembly amendments.

Upon concurrence in the amendments the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Chase, Conger, Dickinson, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Langford, Moreland, Nelson, Nye, Rowell, Ryan, Satterwhite, Sears, Traylor, and Zuck—23.

NOES—Messrs. Enos and Glascock—2.

Amendments concurred in.

Senate Bill No. 469, heretofore reported with Assembly amendments.

Upon concurrence in the amendments the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Byrnes, Carlock, Chase, Conger, Dickinson, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Langford, Moreland, Nelson, Nye, Rowell, Ryan, Sears, Traylor, and Zuck—23.

NOES—Messrs. Enos and Glascock—2.

Amendments concurred in.

Assembly Bill No. 584, and Assembly Concurrent Resolution No. 18, and Assembly Concurrent Resolution No. 20, heretofore reported, ordered on file.

RECESS.

At twelve o'clock and twenty-seven minutes P. M., on motion of Mr. Dickinson, the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Enos, Glascock, Gorman, Hill, Hittell, Johnson, Langford, Pardee, Rowell, Ryan, Watson, and Zuck.

No quorum present.

At one o'clock and thirty-four minutes P. M., Mr. Johnson moved that the Senate adjourn until seven o'clock and thirty minutes P. M. Upon which the ayes and noes were demanded by Messrs. Burt, Davis, and Johnson, with the following result:

AYES—Messrs. Enos, Glascock, Johnson, Kelly, Langford, Pardee, and Ryan—7.

NOES—Messrs. Anderson, Baker, Burt, Brown, Chase, Davis, Gorman, Hill, Hittell, Rowell, Traylor, Watson, and Zuck—13.

RECESS.

At one o'clock and thirty-five minutes P. M., on motion of Mr. Johnson, the Senate took a recess until two o'clock and thirty minutes P. M.

RE-ASSEMBLED.

The Senate re-assembled at two o'clock and thirty minutes P. M.
President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Satterwhite, Sears, Traylor, Watson, and Zuck.

Quorum present.

REPORT.

By Mr. Pardee:

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 106, Senate Bill No. 119, Senate Bill No. 253, Senate Bill No. 389, Senate Bill No. 510, Senate Bill No. 548, Senate Bill No. 556, Assembly Bill No. 126, and Assembly Bill No. 551, beg leave to report the same and recommend that they do not pass.

PARDEE, Chairman.

REPORT OF COMMITTEE ON ENROLLMENT.

By Mr. Burt:

SENATE CHAMBER, April 16th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 332, 384, 433, 476, and 526, and that the same have this day been placed in the hands of the Governor, at one o'clock and forty-five minutes P. M.

S. B. BURT, for Committee.

REPORT.

By Mr. Sears:

SENATE CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: The Committee on Corporations, to whom was referred the following Senate and Assembly bills, have had the same under consideration, and report the same back to the Senate, without recommendation, viz: Senate Bill No. 86—An Act prescribing what are transportation companies doing business in this State.

Senate Bill No. 127—An Act to add certain new sections to the Civil Code, concerning gas corporations, Part IV, Title XV.

Senate Bill No. 201—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Senate Bill No. 250—An Act to amend sections three hundred and seven and three hundred and twelve of the Civil Code of the State of California.

Senate Bill No. 300—An Act to organize the State Board of Railroad Commissioners, to prescribe their duties, regulate their proceedings, and carry into effect the provisions of the Constitution of this State, in relation to rates and transportation of freights and passengers by common carriers, within the jurisdiction of this State.

Senate Bill No. 333—An Act to amend the Civil Code, to provide for the redemption of stock sold for assessments delinquent.

Senate Bill No. 438—An Act to add a new section to the Civil Code, to be known as section five hundred and eighty, relating to savings and loan corporations.

Senate Bill No. 450—An Act to regulate transactions in shares of the capital stock of corporations by stock boards.

Senate Bill No. 485—An Act to authorize the incorporation of individuals for the purpose of organizing a private and protective night watch force in cities of over fifteen thousand inhabitants.

Assembly Bill No. 243—An Act for the better protection of laborers in their wages.

Assembly Bill No. 352—An Act prohibiting any company or corporation, whose business is to supply illuminating gas or water for public use, from charging their consumers for pipes communicating with such company or corporation supply pipes, or street mains, and the line of the street, or sidewalk curb fronting the premises to be supplied, and there making connection with the pipe of the consumer.

Assembly Bill No. 370—An Act prohibiting any company or corporation, whose business is to supply water or illuminating gas for public use, charging their consumers for meters.

Assembly Bill No. 136—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of the State of California, defining common carriers.

Assembly Bill No. 219—An Act regulating the receiving, transportation, and delivery of grain by railroad corporations, and defining the duties of such corporations with respect thereto.

Assembly Concurrent Resolution No. 16—To appoint a joint committee to ascertain the names of corporations now employing Chinese, and to report to the Attorney-General within thirty days after their appointment, instructing the Attorney-General to prosecute such corporations.

SEARS, Chairman.

By Mr. Watson:

MR. PRESIDENT: Your Committee on State Prison and Hospital, and County Governments, have had under consideration Senate Bills Nos. 8, 11, 207, 21, 417, and 513, and report the same back without recommendation.

WATSON, Chairman.

By Mr. Rowell:

SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: The Committee on County and Township Government, to whom was referred Senate Bills Nos. 61, 62, 74, 82, 193, and 371, and certain petitions relative to the passage of a local option law, and mortgage law—have had the same under consideration, and report the same back without recommendation.

Also, Assembly Bill No. 382, and Assembly Bill No. 20.

ROWELL, for Chairman.

Also:

MR. PRESIDENT: Your Committee on Hospitals herewith report back to the Senate, without recommendation, Senate Bills Nos. 385, 419, and 508.

ROWELL, Chairman.

Mr. Enos moved that the special order be suspended, and that the Journal of the three preceding days be read.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Chase, Cheney, Conger, Enos, Glascock, Gorman, Harlan, Johnson, Kelly, Lampson, Nelson, and Ryan—13.

NOES.—Messrs. Baker, Brown, Carlock, Davis, Dickinson, Hill, Hittell, Neumann, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, and Zuck—16.

Lost.

Assembly Bill No. 501—An Act to amend sections three hundred and eighty-four, three hundred and eighty-five, three hundred and eighty-six, four hundred and seventeen, four hundred and eighteen, four hundred and nineteen, four hundred and twenty, four hundred and twenty-two, four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty, four hundred and forty-one, four hundred and fifty-five, four hundred and fifty-six, four hundred and seventy-one, four hundred and seventy-two, four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six, five hundred, five hundred and fourteen, five hundred and sixteen, two thousand one hundred and thirteen, two thousand one hundred and fourteen, two hundred and sixty-seven, three hundred and ninety-six, three hundred and ninety-seven, four hundred and fifty-seven, two thousand three hundred and two, two thousand three hundred and three, six hundred and twenty-eight, six hundred and twenty-nine, seven hundred and fifty-five, seven hundred and fifty-six, and to repeal sections four hundred and ninety-nine, six hundred and eighty-five, and four hundred and twenty-one of the Political Code, relative to the salaries of State officers, deputies, and clerks.

Read third time, and passed by the following vote:

AYES.—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Davis, Dickinson, Harlan, Hill, Hittell, Johnson, Kelly, Lampson, Neumann, Nye, Rowell, Sears, Traylor, Watson, and Zuck—22.

NOES.—Messrs. Conger, Enos, Glascock, Nelson, Pool, and Ryan—6.

Title read and approved.

Ordered transmitted immediately to the Assembly.

Assembly Bill No. 249—An Act amendatory to an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining," approved March thirtieth, eighteen hundred and seventy-four.

Read third time, and passed by the following vote:

AYES.—Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Conger, Davis, Dickinson, Enos, Gorman, Harlan, Johnson, Kelly, Lampson, Langford, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Watson, and Zuck—24.

NOES.—Messrs. Chase, Ryan, and Sears—3.

Title read and approved.

Assembly Bill No. 323—An Act to amend sections one thousand and forty-one, one thousand and fifty-three, one thousand and fifty-five, one thousand and eighty-three, one thousand and eighty-four, one thousand and ninety-seven, one thousand one hundred and six, one thousand one hundred and eight, one thousand one hundred and nine, one thousand one hundred and thirteen, one thousand one hundred and thirty, one thousand one hundred and forty-seven, one thousand two hundred and twenty-eight, one thousand two hundred and thirty, one thousand two hundred and thirty-two, one thousand two hundred and thirty-five, one thousand two hundred and thirty-six, one thousand two hundred and thirty-seven, one thousand two hundred and eighty-four, one thousand two hundred and eighty-eight,

one thousand three hundred and ten, one thousand three hundred and eleven, and one thousand three hundred and forty-three of the Political Code, relating to elections, and to repeal section one thousand and forty-two of said Code.

Read third time.

Mr. Enos moved to recommit the bill with instructions to strike out the word "Court," and report back immediately.

Upon which the ayes and noes were demanded by Messrs. Enos, Zuck, and Ryan, with the following result:

AYES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Kelly, Langford, Nelson, Pardee, Pool, and Ryan—13.

NOES—Messrs. Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, Hill, Hittell, Johnston, Lampson, Neumann, Nye, Rowell, Sears, Traylor, Watson, and Zuck—18.

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Davis, Dickinson, Hill, Hittell, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, and Zuck—21.

NOES—Messrs. Anderson, Chase, Conger, Enos, Glascock, Gorman, Harlan, Kelly, Langford, Nelson, Pool, and Ryan—12.

Title read and approved.

By leave, Mr. Hill offered the following report:

SENATE CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: In accordance with a resolution adopted by the Senate, April fifteenth, eighteen hundred and eighty, your Committee on Public Printing have investigated the matter of corrections of the Senate Journal, and report as follows: From the best information obtainable we find that the written Journal of the Senate was corrected up to February first, eighteen hundred and eighty, since which time corrections have been made in not more than seven or eight days' proceedings, which appear on said written Journal. The printed Journals, so far as we can learn, have been corrected from day to day, and we therefore recommend the adoption of the following resolution:

Resolved, That the State Printer be and he is hereby authorized and directed to furnish to the Journal Clerk of the Senate a complete file of the corrected printed Journal, for the purpose of comparing the same with the written Journal, and making such corrections to it as may have been ordered by the Senate from day to day.

Respectfully submitted.

HILL, Chairman.

Adopted.

Messrs. Satterwhite, George, and Hudson granted leave of absence for the rest of the session.

Assembly Bill No. 83—An Act to create a Bureau of Labor and Statistics of Land and Labor in the State of California.

On motion of Mr. Johnson, taken up out of order.

Read third time.

The roll was called with the following result:

AYES—Messrs. Baker, Carlock, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Johnson, Johnston, Kelly, Langford, Nelson, Nye, Ryan, and Watson—16.

NOES—Messrs. Anderson, Burt, Chase, Glascock, Harlan, Hill, Hittell, Rowell, Sears, Traylor, and Zuck—11.

The bill not having received the constitutional majority was declared lost.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April sixteenth, eighteen hundred and eighty, passed Assembly Bill No. 591—An Act to appropriate one thousand dollars to the fund for the contingent expenses of the Assembly for the twenty-third session.

J. M. WRIGHT, Assistant Clerk.

Assembly Bill No. 591 above reported, read first time.

Mr. Sears moved that so much of section fifteen, article four, of the Constitution, relating to the reading of bills be dispensed with on the grounds of urgency, and that the bill be now read a second time.

The roll was called with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Nye, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—21.

NOES—Messrs. Baker, Enos, Glascock, Kelly, Langford, Nelson, and Pardee—7.

Lost.

Mr. Baker moved to reconsider the vote whereby Mr. Sears' motion to suspend the rules was lost.

Mr. Dickinson raised the point of order that it required only a two-third vote of the members of the Senate present, and not two-thirds of all the members elected, to suspend the provisions of section fifteen, article four, of the Constitution.

The Chair decided the point not well taken, and ruled that it required two-thirds of all the members elected to suspend said section.

Mr. Dickinson appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the roll was called with the following result:

AYES—Messrs. Anderson, Burt, Carlock, Enos, Glascock, Gorman, Hill, Johnson, Kelly, Lampson, Langford, Moreland, Nelson, Pardee, Pool, Rowell, Sears, Traylor, and Watson—19.

NOES—Messrs. Baker, Brown, Chase, Cheney, Conger, Davis, Dickinson, Harlan, Hittell, Johnston, Ryan, and Zuck—12.

Decision of the Chair sustained.

The question now recurred upon the motion to reconsider.

Upon which the ayes and noes were demanded by Messrs. Zuck, Pardee, and Enos, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nye, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—26.

NOES—Messrs. Enos, Glascock, Kelly, Nelson, Pardee, and Pool—6.

Carried.

The question recurring upon the motion of Mr. Sears, to suspend the provisions of section fifteen, article four, of the Constitution, the roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—31.

NOES—None.

Carried.

Bill read second time.

Mr. Dickinson moved that so much of section fifteen, article four, of the Constitution relating to the reading of bills, be dispensed with, on the ground of urgency, and that the bill be now put upon its passage.

Upon which, the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—29.

NOES—Mr. Pool—1.

Carried.

Bill read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—32.

NOES—None.

Title read and approved.

By leave, Mr. Sears introduced the following resolution out of order:

Resolved, That a committee of three be appointed by the President of the Senate to examine into the management of the State Prisons, and report at the next session.

Upon its adoption the ayes and noes were demanded by Messrs. Burt, Lampson, and Moreland, with the following result:

AYES—Messrs. Anderson, Baker, Enos, Hill, Johnson, Johnston, Kelly, Nelson, Rowell, Ryan, Sears, Watson, and Zuck—13.

NOES—Messrs. Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hittell, Langford, Moreland, Nye, Pardee, and Traylor—17.

Lost.

On motion of Mr. Dickinson, Assembly Bill No. 585—An Act making appropriations for the support of the government of the State of California for the thirty-second fiscal year, was taken up out of order, and read second time.

Mr. Dickinson moved that so much of section fifteen, article four, of the Constitution relating to the reading of bills, be dispensed with, on the grounds of urgency, and the bill be put upon its passage.

Upon which the roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Hill, Hittell, Johnson, Johnston, Lampson, Nye, Rowell, Ryan, Traylor, and Watson—20.

NOES—Messrs. Glascock, Gorman, Kelly, Moreland, Nelson, and Pardee—6.

Lost.

On motion of Mr. Baker, Assembly Joint Resolution No. 11—Asking congressional aid in behalf of a large number of settlers upon government land in what is known as the "Mussel Slough District," in Tulare County, California, was taken up out of order, read a third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Conger, Davis, Dickinson, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Moreland, Nye, Rowell, Sears, Watson, and Zuck—23.

NOES—Mr. Nelson—1.

Title read and approved.

REPORT.

By Mr. Burt (by leave):

SENATE CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bills Nos. 390 and 524, and Assembly Bills Nos. 162 and 70.

Also, a petition asking for the passage of a law prohibiting the sale of intoxicating liquors on the first day of the week.

Also, three petitions asking for the passage of a local option law.

Beq leave to report that they have considered the same, and report the same back with a recommendation that no further action be taken.

BURT, Chairman.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz:

Resolved, That the Postmaster be and is hereby directed to take the address of each and every member of the Senate, and remain at the State Capitol for the period of one week, for the purpose of remailing such mail matter as may come to the members after the Senate adjourns; and for such services to receive the sum of thirty dollars, and the Controller is hereby directed to issue his warrant for the same out of the fund for the contingent expenses of the Senate.

Report back, and the undersigned recommends that it be not adopted.

JAS. C. ZUCK, Chairman.

Mr. Zuck moved the adoption of the report.

Lost.

Mr. Johnson moved the adoption of the resolution.

Mr. Davis moved to lay the whole matter on the table.

Upon which the ayes and noes were demanded by Messrs. Baker, Davis, and Johnson, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Carlock, Davis, Glasecock, Harlan, Hill, Hittell, Lampson, Moreland, Nye, Pardee, Sears, Traylor, and Zuck—16.

NOES—Messrs. Brown, Chase, Cheney, Conger, Dickinson, Enos, Gorman, Johnson, Johnston, Kelly, Nelson, Rowell, Ryan, and Watson—14.

Carried.

By Mr. Pardee:

Resolved, That the President of the Senate be and he is hereby authorized to approve and sign the Journals of the Senate after the adjournment of the Legislature, with the same power and effect as if approved and signed whilst the Legislature was in session.

Mr. Johnson moved to lay the resolution on the table.

Lost.

RECESS.

Mr. Davis moved that the Senate take a recess until seven o'clock and thirty minutes P. M.

Mr. Johnson moved as an amendment that the Senate take a recess until eight o'clock P. M.

Carried.

Whereupon the Senate took a recess.

RE-ASSEMBLED.

The Senate re-assembled at eight o'clock P. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck.

Quorum present.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, April 16th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 43—An Act to amend section eleven hundred and eighty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to liens of mechanics and others upon real property.

Also, Senate Bill No. 109—An Act to amend sections three hundred and sixty-seven, three hundred and seventy-two, and three hundred and seventy-three of the Code of Civil Procedure, relating to parties to civil actions.

Also, Senate Bill No. 139—An Act to repeal chapters four and five, of title thirteen, of part two, of the Code of Civil Procedure, and each and every section of said chapters four and five, relating to appeals in civil actions.

Also, Senate Bill No. 117—An Act to repeal section six hundred and sixty-three of the Code of Civil Procedure.

Also, Senate Bill No. 439—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State.

Also, Senate Bill No. 461—An Act to provide for the deficiency in the appropriation "for arresting criminals without the limits of the State," during the thirtieth fiscal year.

Also, Senate Bill No. 462—An Act to provide for the deficiency in the appropriation "for payment of rewards offered by the Governor," during the thirtieth fiscal year.

Also, Senate Bill No. 175—An Act to amend sections one thousand seven hundred and forty-seven, one thousand seven hundred and forty-eight, one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-four, one thousand seven hundred and fifty-five, one thousand seven hundred and fifty-six, one thousand seven hundred and fifty-seven, one thousand seven hundred and fifty-eight, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, one thousand seven hundred and sixty-six, one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one thousand eight hundred and eight of the Code of Civil Procedure, relating to guardians and wards.

Also, Senate Bill No. 145—An Act to amend section one thousand of the Code of Civil Procedure, relating to inspection of writings.

Also, Senate Bill No. 148—An Act to amend section one thousand and fifty-five of the Code of Civil Procedure, relating to actions against Sheriffs.

Also, Senate Bill No. 151—An Act to amend section one thousand one hundred and eight of the Code of Civil Procedure, relating to writs of review, mandate, and prohibition.

Also, Senate Bill No. 368—An Act to add a new section to the Political Code, to be numbered three thousand four hundred and ninety-one, relative to the election of Trustees of reclamation districts, and their term of office.

Also, Senate Bill No. 245—An Act to amend section three thousand four hundred and eighty-one of the Political Code.

Also, Senate Bill No. 270—An Act to amend section two thousand nine hundred and forty-one of the Civil Code, relating to the satisfaction of mortgages.

Also, Senate Bill No. 165—An Act to amend section one thousand two hundred and eighty-three of the Code of Civil Procedure, relating to arbitrations.

Also, Senate Bill No. 152—An Act to amend sections one thousand one hundred and sixteen, one thousand one hundred and eighteen, one thousand one hundred and nineteen, one thousand one hundred and twenty, one thousand one hundred and twenty-five, one thousand one hun-

thousand four hundred and eighty-five, one thousand four hundred and ninety-three, one thousand four hundred and ninety-four, one thousand four hundred and ninety-five, one thousand four hundred and ninety-six, one thousand four hundred and ninety-seven, one thousand four hundred and ninety-eight, one thousand four hundred and ninety-nine, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and seven, one thousand five hundred and ten, one thousand five hundred and twelve, one thousand five hundred and seventeen, one thousand five hundred and nineteen, one thousand five hundred and twenty-three, one thousand five hundred and twenty-six, one thousand five hundred and twenty-nine, one thousand five hundred and thirty, one thousand five hundred and thirty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-six, one thousand five hundred and thirty-seven, one thousand five hundred and forty, one thousand five hundred and forty-one, one thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-five, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-six, one thousand five hundred and sixty-nine, one thousand five hundred and seventy, one thousand five hundred and seventy-five, one thousand five hundred and eighty-five, one thousand five hundred and eighty-eight, one thousand five hundred and ninety, one thousand five hundred and ninety-one, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand six hundred and two, one thousand six hundred and three, one thousand six hundred and four, one thousand six hundred and sixteen, one thousand six hundred and eighteen, one thousand six hundred and twenty-two, one thousand six hundred and twenty-three, one thousand six hundred and twenty-four, one thousand six hundred and twenty-five, one thousand six hundred and twenty-nine, one thousand six hundred and thirty-two, one thousand six hundred and thirty-three, one thousand six hundred and forty, one thousand six hundred and forty-nine, one thousand six hundred and sixty-one, one thousand six hundred and sixty-seven, one thousand six hundred and sixty-nine, one thousand six hundred and seventy-five, one thousand six hundred and seventy-six, one thousand six hundred and seventy-seven, one thousand six hundred and eighty, one thousand six hundred and eighty-four, one thousand six hundred and eighty-five, one thousand six hundred and eighty-six, one thousand six hundred and ninety-two, one thousand six hundred and ninety-three, one thousand six hundred and ninety-four, one thousand six hundred and ninety-six, one thousand seven hundred and four, one thousand seven hundred and five, one thousand seven hundred and six, one thousand seven hundred and sixteen, one thousand seven hundred and eighteen, one thousand seven hundred and twenty, one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty, one thousand seven hundred and thirty-three, one thousand seven hundred and thirty-four, one thousand seven hundred and thirty-five, one thousand seven hundred and thirty-six, one thousand seven hundred and thirty-seven, and one thousand seven hundred and forty of the Code of Civil Procedure, relating to the settlement of estates of deceased persons.

Also, Senate Bill No. 251—An Act to add five new sections to the Political Code, providing for funding and refunding county indebtedness.

GEO. C. PERKINS, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April sixteenth, eighteen hundred and eighty, concurred in Senate amendments to Assembly Bill No. 501—An Act to amend certain sections of and to add certain other sections to the Political Code, relative to the salaries of State officers, deputies, and clerks.

J. M. WRIGHT, Assistant Clerk.

Mr. Davis moved that the rules be suspended, and that Assembly Concurrent Resolution No. 18, heretofore reported from the Assembly, be read first time.

The roll was called, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Davis, Glascock, Hill, Hittell, Johnson, Lampson, Langford, Moreland, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—23.

NOES—Mr. Kelly—1.

Carried.

Assembly Concurrent Resolution No. 18—Relative to the Act of

Congress enabling honorably discharged soldiers, and sailors, their widows and orphans, to acquire homesteads on the public lands of the United States.

Read and concurred in by the following vote:

AYES.—Messrs. Anderson, Baker, Burt, Brown, Chase, Cheney, Conger, Davis, Enos, Glascock, German, Hittell, Johnson, Johnston, Kelly, Lampton, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—28.

* Nays.—None.

By Mr. Zuck:

SENATE CHAMBER, SACRAMENTO, April 15th, 1880.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage have had the following under consideration, viz:

Resolved, That the sum of ten dollars is hereby allowed out of the Contingent Fund of the Senate to A. Wasson for hack hire; the same was used for bringing the absent Senators last evening.

Report back, and recommend the adoption of the same.

JAS. C. ZUCK, Chairman.

Resolution adopted.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 16th, 1880. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 131—An Act for the relief of insolvent debtors; for the protection of creditors; and for the punishment of fraudulent debtors.

Also, Senate Bill No. 364—An Act to amend section one thousand five hundred and seventy-three of the Code of Civil Procedure, relating to the time within which certain actions may be commenced.

Also, Senate Bill No. 351—An Act to add a new section to the Penal Code, to be known as section three hundred and eighteen, relating to crimes against good morals, and to punish decoys.

Also, Senate Bill No. 397—An Act to amend section three hundred and thirty-two of the Penal Code, in relation to swindling by cards or other means.

Also, Senate Bill No. 271—An Act to amend section four hundred and forty-nine of the Code of Civil Procedure, concerning verifications of pleadings.

Also, Senate Bill No. 365—An Act to provide for the payment of the salaries and expenses of the Board of Railroad Commissioners for the thirty first fiscal year ending June thirtieth, eighteen hundred and eighty.

Also, Senate Bill No. 427—An Act to authorize Boards of Supervisors to pay the expenses of posse comitatus in criminal cases.

Also, Senate Bill No. 418—An Act to regulate the sale of certain poisonous substances.

Also, Senate Bill No. 442—An Act to provide for the payment of the amount of interest due to "Hastings College of the Law."

Also, Senate Bill No. 463—An Act to provide for removing obstructions in Pitt River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries.

Also, Senate Bill No. 339—An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Mendocino, San Bernardino, and Santa Cruz," approved February thirteenth, eighteen hundred and seventy-two.

Also, Senate Bill No. 321—An Act making an appropriation for the improvement of I. Street, between Tenth and Fifteenth Streets, in the City of Sacramento, County of Sacramento, State of California.

Also, Senate Bill No. 335—An Act providing for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing at the Presidio.

Also, Senate Bill No. 229—An Act for the protection of certain kinds of fish.

Also, Senate Bill No. 219—An Act to amend section three of an Act entitled an Act authorizing the appointment of certain permanent employees of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 97—An Act to amend section four thousand two hundred and twenty-one of the Political Code, relating to the counting of money in the county treasury.

Also, Senate Bill No. 149—An Act to repeal section one thousand and fifty-six of the Code of Civil Procedure.

Also, Senate Bill No. 252—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses.

GEO. C. PERKINS, Governor.

Mr. Enos moved that the Journals of April thirteenth, fourteenth, and fifteenth be now read and approved.

Carried.

The Journal of April thirteenth read and approved.

Mr. Pardee, pursuant to notice, now moved a reconsideration of the vote by which Assembly Bill No. 584 was passed.

Lost.

The question now recurred upon the adoption of the resolution previously offered by Mr. Pardee.

Mr. Davis offered the following as an amendment thereto. Amend by adding the following:

Resolved further, That the President of the Senate be and he is allowed a per diem of twelve dollars until such time as said minutes shall be ready for his approval; and the Controller of State is hereby instructed to draw and deliver to the President of the Senate his warrant for the amount of allowance herein ordered.

Upon which the ayes and noes were demanded by Messrs. Johnson, Zuck, and Sears, with the following result:

AYES—Messrs. Anderson, Baker, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Watson—24.

NOES—Messrs. Johnson and Zuck—2.

Adopted.

The question now recurred upon the adoption of the resolution as amended.

Upon which the ayes and noes were demanded by Messrs. Johnson, Carlock, and Zuck, with the following result:

AYES—Messrs. Anderson, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, and Watson—23.

NOES—Messrs. Baker, Hittell, Johnson, and Zuck—4.

Resolution adopted.

Journal of April the fourteenth read and approved.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April sixteenth, eighteen hundred and eighty, passed Senate Bill No. 433—An Act relating to fishing in the waters of this State.

Senate Bill No. 332—An Act to provide for the construction, maintenance, and regulation of fishways in streams naturally frequented by salmon, shad, or other migratory fish.

Senate Bill No. 526—An Act to pay the Society of California Pioneers rent for rooms for the Hastings College of the Law.

Also adhered to its refusal to concur in Senate amendment number nine to Assembly Bill No. 574, and requests a conference.

The Speaker has appointed to act for the Assembly upon such conference Assemblymen Del Valle, Brauffhart, and Tyler.

J. M. WRIGHT, Assistant Clerk.

Senate Bill No. 532—An Act to provide for the payment of expenses incurred by Superior Judges in holding Courts in counties other than those for which they were elected.

Senate Bill No. 560—An Act to amend the Political Code by adding a section thereto, to be numbered four thousand one hundred and twenty-four.

Senate Bill No. 542—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure.

Senate Bill No. 543—An Act to amend the Civil Code of the State of California, by amending sections one thousand and forty-four and two thousand nine hundred and forty-seven, and by adding new sections, to be numbered one thousand and ninety-six and one thousand one hundred and sixteen.

Senate Bill No. 530—An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to jury trials in civil cases.

Senate Bill No. 535—An Act relating to the privilege and exemptions of exempt firemen.

Senate Bill No. 537—An Act to extend the boundaries of incorporated cities and towns.

Senate Bill No. 539—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure, relating to commencement of actions in Justices' Courts.

Senate Bill No. 85—An Act concerning the preservation of the public health.

Senate Bill No. 70—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

Assembly Bill No. 30—An Act to repeal section one thousand two hundred and twenty-two of the Code of Civil Procedure, relating to judgments and orders in cases of contempt.

Senate Bill No. 518—An Act to amend section three hundred and eighty-two of the Code of Civil Procedure.

Senate Bill No. 52—An Act to secure the wages of laborers upon realty.

Senate Bill No. 90—An Act relative to mechanics' liens.

Assembly Concurrent Resolution No. 8—Relative to testing the constitutional validity of Assembly Bill No. 12.

Also, five petitions, and recommend that they be referred to the persons who introduced them.

NYE, Chairman.

Mr. Dickinson moved a reconsideration of the vote whereby the Senate refused to suspend the provisions of section fifteen, article four, of the Constitution, in relation to Assembly Bill No. 584.

Upon which the ayes and noes were demanded by Messrs. Dickinson, Enos, and Burt, with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Cheney, Davis, Dickinson, Glascock, Hittell, Johnson, Johnston, Moreland, Nye, Pool, Rowell, Sears, Watson, and Zuck—18.

NOES—Messrs. Carlock, Chase, Conger, Gorman, Kelly, Nelson, Pardee, and Traylor—8.

Carried.

The question now recurred upon the motion to suspend the provisions of section fifteen, article four, of the Constitution, and that the bill be now put upon its passage.

The roll was called with the following result:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Cheney, Davis, Dickinson, Glascock, Hittell, Johnson, Johnston, Lampson, Langford, Moreland, Nye, Pool, Rowell, Sears, Traylor, Watson, and Zuck—22.

NOES—Messrs. Chase, Conger, Gorman, Kelly, Nelson, Pardee, and Ryan—7.

Lost.

Assembly Bill No. 391—An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor.

Taken up out of order, read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Hittell, Johnson, Johnston, Kelly, Lampson, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, and Zuck—30.

NOES—None.

Title read and approved.

By Mr. Burt:

SENATE CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled, Senate Bills Nos. 164, 369, and 469, and that the same have this day been placed in the hands of the Governor, at nine o'clock and fifty minutes P. M.

BURT, for Committee.

Assembly Bill No. 368—An Act to declare the Klamath River navigable.

Read third time, and passed by the following vote:

AYES—Messrs. Anderson, Baker, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Hittell, Johnson, Johnston, Kelly, Langford, Moreland, Nelson, Nye, Pardee, Pool, Rowell, Sears, Traylor, Watson, and Zuck—28.

NOES—Mr. Lumpson—1.

Title read and approved.

By Mr. Burt:

Resolved, That the Journal Clerk of the Senate be and he is hereby directed and authorized to remain after the adjournment of the Legislature to complete the copying of the Journal, and that he be allowed for such services the sum of fifty dollars, payable out of the appropriation for the contingent expenses of the Senate, and that the State Controller be authorized and directed to draw his warrant on the State Treasurer in payment of the same.

Upon the adoption of which the ayes and noes were demanded by Messrs. Johnson, Brown, and Zuck, with the following result:

AYES—Messrs. Anderson, Burt, Brown, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, Gorman, Johnston, Kelly, Lumpson, Langford, Nelson, Nye, Pardee, Pool, Ryan, and Watson—21.

NOES—Messrs. Baker, Glascock, Hittell, Johnson, Moreland, Rowell, Sears, Traylor, and Zuck—9.

Resolution adopted.

Assembly Bill No. 325—An Act to add a section to the Penal Code, to be known as section five hundred and ninety-nine, relative to malicious mischief—taken up out of order.

Read third time.

Mr. Zuck moved that the enacting clause be stricken out.

Carried.

Assembly Bill No. 148—An Act to amend an Act entitled "An Act to enable certain parties therein named to alienate or incumber homesteads," approved March twenty-fifth, eighteen hundred and seventy-four.

Read third time, and lost by the following vote:

AYES—Messrs. Brown, Carlock, Chase, Conger, Davis, Dickinson, Enos, Glascock, Gorman, Hittell, Johnson, Johnston, Langford, Moreland, Nye, Pardee, Pool, and Ryan—18.

NOES—Messrs. Baker, Burt, Cheney, Kelly, Rowell, Sears, Traylor, and Watson—8.

Assembly Bill No. 559 passed on the file.

Mr. Traylor moved that no further action be had upon bills now on the file.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 194—An Act to provide for the enlargement of the State Printing Office, and for repairing and painting of the building.

Also, Senate Bill No. 473—An Act to empower and direct the Trustees of Levee District Number One, of Sacramento County, to pay certain indebtedness outstanding against the late Swamp Land District Number Two Hundred and Eighty-seven, and due C. G. Hidden, Charles V. Brockway, Moses Sprague, A. Mouton, R. J. Merkley, Philip Herzog, George Peters, Samuel Poorman, Daniel Flint, and Howell Clark, for money and labor expended on repairs on levee.

Also, Senate Bill No. 274—An Act to reimburse the Support Fund of the Deaf and Dumb and Blind Asylum.

Also, Senate Bill No. 269—An Act to amend section four of an Act entitled "An Act to establish a scale for the measurement of logs," approved March twenty-eighth, eighteen hundred and seventy-eight.

Also, Senate Bill No. 253—An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide for a bounty for the same," approved March thirtieth, eighteen hundred and seventy-eight.

Also, Senate Bill No. 240—An Act to repeal an Act entitled an Act relating to advances bona fide made to agents entrusted with goods, and for the better protection of such advances, approved March thirtieth, eighteen hundred and seventy-eight.

Also, Senate Bill No. 326—An Act to pay the Society of California Pioneers rent for rooms for the Hastings College of the Law.

Also, Senate Bill No. 253—An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide for a bounty for the same," approved March thirtieth, eighteen hundred and seventy-eight.

Also, Senate Bill No. 332—An Act to provide for the construction, maintenance, and regulation of fishways in streams naturally frequented by salmon, shad, and other migratory fish.

Also, Senate Bill No. 268—An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts.

Also, Senate Bill No. 177—An Act to amend sections one thousand nine hundred and ninety-four, one thousand nine hundred and ninety-five, two thousand and twenty-four, two thousand and thirty-six, two thousand and thirty-seven, two thousand and seventy, and two thousand and eighty-four of the Code of Civil Procedure, relating to evidence.

Also, Senate Bill No. 263—An Act to add two new sections to the Penal Code, to be numbered four hundred and four hundred and one, relative to the keeping or sale of animals afflicted with glanders, or other contagious or infectious diseases.

Also, Senate Bill No. 153—An Act to amend section one thousand one hundred and forty-four of the Code of Civil Procedure, relating to discharge of persons imprisoned on civil process.

Also, Senate Bill No. 266—An Act to amend section six hundred and eleven of the Civil Code, relating to cemetery corporations.

Also, Senate Bill No. 232—An Act to amend sections one hundred and five and one hundred and six of the Penal Code, relating to escapes and attempts to escape from State Prison.

Also, Senate Bill No. 242—An Act to amend sections six hundred and twenty-six (626) and six hundred and thirty-one (631) of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Also, Senate Bill No. 248—An Act to amend sections eight hundred and seventy-one and nine hundred of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Also, Senate Bill No. 261—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration.

Also, Senate Bill No. 182—An Act to amend the Penal Code by adding a new section thereto, to be known as section nine hundred and twenty-eight, relating to the duties of the Grand Jury.

GEO. C. PERKINS, Governor.

By Mr. Burt:

SENATE CHAMBER, April 16th, 1880.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 162 and 223, and that the same have this day been placed in the hands of the Governor, at ten o'clock and twenty minutes P. M.

BURT, for Committee.

Also verbally reported that the committee had no more enrolled bills in their hands.

Mr. Sears moved that a committee of three be appointed to wait upon the Governor to ascertain whether he had any further communication to make to the Senate.

Carried.

The Chair appointed Messrs. Sears, Moreland, and Enos as such committee.

Mr. Sears reported that they had waited upon his Excellency the Governor, who informed them that he had no further communications to make to the Senate, other than to express his good will to the members and officers thereof.

RESOLUTION.

By Mr. Sears:

Resolved by the Senate, the Assembly concurring. That this Legislature adjourn *sine die* at eleven o'clock P. M. April sixteenth, eighteen hundred and eighty.

Adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was read from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, April 16th, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on April sixteenth, eighteen hundred and eighty, concurred in the Senate Concurrent Resolution relative to adjournment *sine die* at eleven o'clock P. M. April sixteenth, eighteen hundred and eighty.

J. M. WRIGHT, Assistant Clerk.

At ten o'clock and forty-five minutes P. M. the Secretary of the Senate was directed to inform the Assembly that the Senate had completed its business and was ready to adjourn *sine die*.

The Assistant Clerk of the Assembly was announced, and reported that he had been directed to inform the Senate that the Assembly, having finished its business, was now ready to adjourn *sine die*.

At ten o'clock and fifty-seven minutes P. M. Mr. Johnson moved that the Senate adjourn *sine die*.

Carried.

ADJOURNMENT.

Whereupon, at eleven o'clock P. M., the President of the Senate, in accordance with the Senate Concurrent Resolution heretofore adopted by the Senate and Assembly, declared the Senate adjourned *sine die*.

JNO. MANSFIELD, President of the Senate.

Attest: M. D. BORUCK, Secretary of the Senate.

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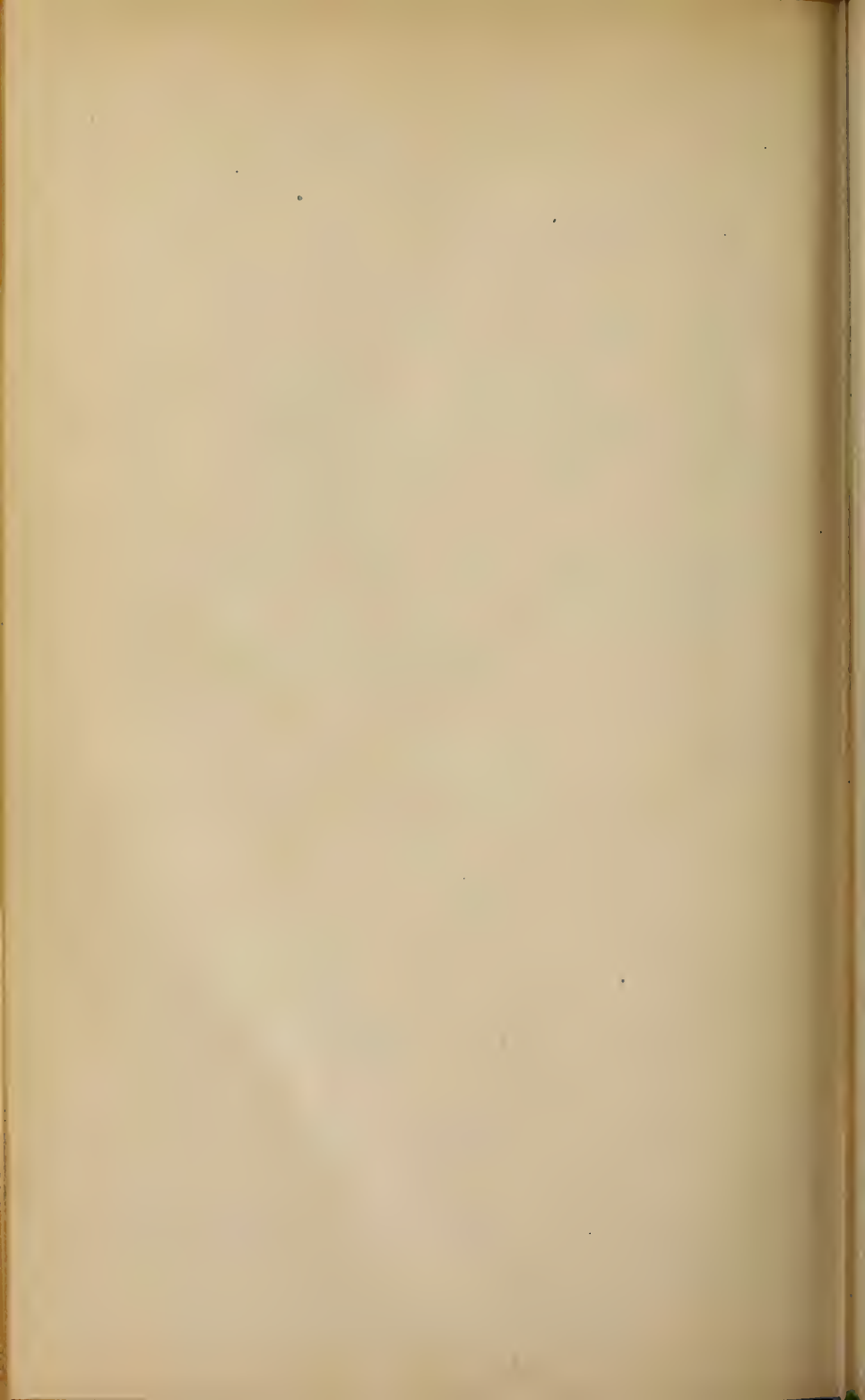
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43	An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property. Nye	26	561	815
44	An Act to distinguish the kinds of labor employed in the manufacture of goods. Kane	26		
45	An Act to repeal an Act entitled "An Act to amend the Penal Code," approved January 19th, 1878. Enos	26		
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76	An Act to amend Section 3359 of the Political Code. Ryan	46		
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80	An Act to nullify and disaffirm certain resolutions and orders of the Board of Supervisors of the City and County of San Francisco, whereby railroad franchises have been granted. Enos	46		
81	An Act to amend Section 1120 of the Code of Civil Procedure. Enos	47		
82	An Act amendatory to Section 4006 of the Political Code. Neumann	--		
83	An Act to authorize the Controller and Treasurer of the State of California to transfer certain funds. Davis	67	75	
84	An Act to organize and define the powers of the Board of Railroad Commissioners. Sears	67	408	767
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86	An Act prescribing what are transportation companies doing business in this State. West	71		
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90	An Act relative to mechanics' liens. Gorman	71		
91	An Act to repeal an Act entitled "An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors," approved May 4th, 1852, and the Acts amendatory thereof and supplementary thereto. Johnson	71		
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93	An Act to amend Section 130 of the Code of Civil Procedure, relating to rules of Courts. Hittell	71	138	
94	An Act to amend Sections 265 and 266 of the Code of Civil Procedure, relating to ministerial officers of the Supreme Court. Hittell	71	193	
95	An Act to amend Section 950 of an Act entitled "An Act to establish a Political Code," approved March 12th, 1872, relating to the approval of bonds of county and township officers. Nye	71		
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97	An Act to amend Section 122 of the Political Code, relating to the election of judges of the courts of law, and to amend the Code of Civil Procedure, relating to the trial of civil actions. Kane	72	101	85
98	An Act to amend the Code of Civil Procedure, relating to the trial of civil actions. Kane	74		
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103	An Act to amend Section 112 of the Code of Civil Procedure, relating to the trial of civil actions. Kane	74		
104	An Act to amend Section 634 of the Penal Code, relating to the violation of the law for the preservation of fish. Wendell	74		
105	An Act to amend the Code of Civil Procedure, relating to the trial of civil actions. Kane	74		
106	An Act to amend the Code of Civil Procedure, relating to the trial of civil actions. Kane	74		
107	An Act relating to and defining to whom licenses shall not be issued. Kane	74		
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109	An Act to amend Sections 367, 372, and 373 of the Code of Civil Procedure, relating to the trial of civil actions. Kane	78	108	171
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114	An Act to amend Sections 480, 493, 525, 548, 554, 556, and 565 of the Code of Civil Procedure, relating to provisional remedies in civil actions. Hittell	78	100	120
115	An Act to amend Section 593 of the Code of Civil Procedure, relating to entry of civil causes on Court calendars. Hittell	78	100	129
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120	An Act prescribing the manner of assessing the capital stock and franchises of corporate companies and joint stock associations. Burt	79		
121	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Oakland,' passed March 25th, 1854, and repealing certain other Acts in relation to said city," approved April 24th, 1862. Pardee	79		430
122	An Act appropriating money for the relief of Louisa Kohler. Traylor	79		
123	An Act to amend Section 1281 of the Political Code. Enos	79	705	
124	An Act to amend Sections 714 and 715 of the Code of Civil Procedure, relating to proceedings supplementary to execution. Hittell	80	142	
125	An Act to amend Sections 742, 755, 794, 802, 804, 816, and 826 of the Code of Civil Procedure, relating to actions in particular cases. Hittell	80	143	430
126	An Act relating to foreign insurance companies. Enos	80		
127	An Act to add certain new sections to the Civil Code, concerning gas corporations, Part IV, Title XV. Enos	81		
128	An Act relating to Boards of Education. Nelson	81		
129	An Act to confer jurisdiction on the Superior Courts in certain special cases. Johnson	81		
130	An Act to create and maintain a labor bureau, and a bureau of land, labor, capital, social, vital, and industrial statistics. Johnson	83		
131	An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors. Dickinson	83	389	803
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134	An Act for the classification of cities and towns. Neumann	84		
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149	An Act to repeal Section 1056 of the Code of Civil Procedure. Hittell.....	92	179	840
150	An Act to amend Section 1058 of the Code of Civil Procedure, relating to civil actions wherein the State or an officer thereof, or a county, or city, or town, is a party. Hittell.....	92	179	840
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154	An Act to amend Sections 416, 1917, 1934, 1939, 1941, 1955, 1960, 1965, 1973, 1974, 1975, 1986, 1990, 1992, 2028, 2094, 2095, 2077, 2099, 1942, 1970, 1962, and to repeal Sections 1975, 1991, to add a new section to be known as Section 1977, all of and to the Political Code, relating to the National Guard of California. Dickinson.....	92		
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158	An Act to amend Sections 838, 843, 844, 845, 897, 898, 899, 912, 918, and 921, of the Code of Civil Procedure, relating to proceedings in Justices' Courts. Hittell-----	99	205	428
159	An Act to amend Sections 1163, 1166, 1167, 1168, 1171, 1176, and 1179, of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property in certain cases. Hittell-----	99	206	431
160	An Act to amend Sections 1185, 1187, 1190, and 1195, of the Code of Civil Procedure, and to add a new section to said Code, relating to liens of mechanics and others upon real property. Hittell-----	99	537	
161	An Act to amend Sections 1227, 1230, and 1233, of the Code of Civil Procedure, relating to the voluntary dissolution of corporations. Hittell-----	99	206	841
162	An Act to amend Sections 1243, 1244, and 1254, of the Code of Civil Procedure, relating to eminent domain. Hittell-----	99	243	842
163	An Act to amend Sections 1269 and 1272 of the Code of Civil Procedure, relating to escheated estates. Hittell-----	99	206	841
164	An Act to amend Sections 1275, 1276, 1278, and 1279 of the Code of Civil Procedure, relating to change of names. Hittell-----	99	206	842
165	An Act to amend Section 1283 of the Code of Civil Procedure, relating to arbitrations. Hittell-----	99	206	841
166	An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream. Kane-----	100		
167	An Act repealing an Act conferring further powers to the Board of Supervisors of the City and County of San Francisco. Kane-----	100	538	843
168	An Act to amend Section 10117 of the Code of Civil Procedure, defining the jurisdiction of Justices' Courts. Langford-----	100		
169	An Act making eight hours a legal day's work. Enos-----	100		
170	An Act to amend Sections 275, 276, and 287 of the Code of Civil Procedure, relating to attorneys and counselors at law. Kane-----	101		
171	An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections, and to prevent fraud. West-----	101		
172	An Act to amend the Code of Civil Procedure, and more fully define the duties of Public Administrators. West-----	101		
173	An Act to establish a Penal Code in relation to elections. West-----	101		
174	An Act to amend Sections 1295, 1298, 1303, 1305, 1313, 1317, 1322, 1338, 1340, 1345, 1360, 1361, 1362, 1372, 1373, 1383, 1388, 1389, 1391, 1393, 1394, 1397, 1398, 1402, 1403, 1406, 1411, 1412, 1413, 1414, 1415, 1426, 1427, 1430, 1431, 1432, 1433, 1436, 1443, 1444, 1452, 1453, 1459, 1460, 1461, 1464, 1465, 1466, 1467, 1470, 1471, 1475, 1485, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1503, 1504, 1507, 1510, 1512, 1517, 1519, 1523, 1526, 1529, 1530, 1531, 1532, 1536, 1537, 1540, 1541, 1549, 1552, 1555, 1561, 1564, 1566, 1569, 1570, 1575, 1585, 1588, 1590, 1591, 1597, 1598, 1602, 1603, 1604, 1616, 1618, 1622, 1623, 1624, 1625, 1629, 1632, 1633, 1640, 1649, 1661, 1667, 1669, 1675, 1676, 1677, 1680, 1684, 1685, 1686, 1692, 1693, 1694, 1696, 1704, 1705, 1706, 1716, 1718, 1720, 1721, 1722, 1726, 1729, 1730, 1733, 1734, 1735, 1736, 1737, and 1740, of the Code of Civil Procedure, relating to the settlement of estates of deceased persons. Hittell-----	106	417	673

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
175	An Act to amend Sections 1747, 1748, 1749, 1750, 1754, 1755, 1756, 1757, 1758, 1763, 1764, 1766, 1769, 1773, 1774, 1775, 1780, 1781, 1782, 1783, 1784, 1785, 1788, 1791, 1792, 1793, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, and 1808, of the Code of Civil Procedure, relating to guardians and wards. Hittell -----	108	207	428
176	An Act to amend Sections 1811 and 1812 of the Code of Civil Procedure, relating to sole traders. Hittell -----	108	207	
177	An Act to amend Sections 1994, 1995, 2024, 2036, 2037, 2070, and 2084, of the Code of Civil Procedure, relating to evidence. Hittell -----	108	207	845
178	An Act to add a new section to the Penal Code, to be known as Section 796, relating to the place of trial of indictments or informations for publications in newspapers. Hittell -----	108	208	
179	An Act entitled an Act to amend Section 514 of the Civil Code, concerning wagon road corporations. Carlock -----	109	246	
180	An Act to amend Section 2814 of the Political Code, concerning public ways. Carlock -----	109	208	482
181	An Act to amend Sections 392, 393, 394, 395, 396, 397, and 398, of the Code of Civil Procedure, relating to the venue in civil actions. Wendell -----	109	718	
182	An Act to amend the Political Code, by adding a new section thereto, to be known as Section 4125, relating to the duties of the grand jury. Wendell -----	109	299	845
183	An Act to amend Sections 3732, 3734, 3736, 3746, 3758, 3789, 3797, 3799, 3812, and 3881, of the Political Code, and to repeal Sections 3733, 3738, 3893, and 3896, of said Code, providing for a duplicate assessment book. Wendell -----	109	641	
184	An Act to amend Section 1468 of the Code of Civil Procedure, relating to personal property set apart for the use of the family. Wendell -----	109	209	
185	An Act to amend Sections 4215 and 4216 of the Political Code, relating to the duties of Auditors. Wendell -----	109	706	
186	An Act to add a new section to the Political Code, relating to the arrangement and publication of the amendments to the Codes, and to the sale thereof. Ryan -----	109		
187	An Act to amend an Act entitled "An Act for the relief of insolvent debtors, and protection of creditors," approved May 4th, 1852, and also an Act to amend an Act entitled "An Act supplementary to an Act for the relief of insolvent debtors, and protection of creditors," approved May 4th, 1852, and the Act amendatory thereof and supplementary thereto, approved March 31st, 1876. Johnson -----	110		
188	An Act to regulate fire, marine, and inland insurance companies transacting business in the State. Johnson -----	110	397	
189	An Act to relieve the county officers of the various counties of this State from performing services as such for corporations without compensation. Johnson -----	110		
190	An Act to amend Sections 2168 and 2209 of the Civil Code, in reference to common carriers. Johnson -----	110		
191	An Act to repeal an Act entitled "An Act to create and organize Reclamation District No. 205, and to define its boundaries and provide for its government," approved April 1st, 1878. Johnson -----	110	245	694

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
192	An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California. Johnson	110	280	613
193	An Act to authorize the Board of Supervisors of any county to create bounty districts for the destruction of wild animals. Glascock	110		
194	An Act to provide for the enlargement of the State Printing Office, and for the repairing and painting of the building. Johnson	113	539	861
195	An Act for the relief of the purchasers of State lands. Baker	113		
196	An Act to amend Sections 3617, 3643, 3644, 3650, 3657, 3793 of the Political Code. Sears	113		
197	An Act to repeal Section 1125 of the Code of Civil Procedure. Enos	113		
198	An Act to amend Section 1124 of the Code of Civil Procedure. Enos	113		
199	An Act to direct Assessors in the assessment of evidences of indebtedness. Ryan	114		
200	An Act concerning partition fences. Johnston	114		
201	An Act to regulate fire, marine, and inland insurance companies transacting business in this State. Enos	114		
202	An Act to abolish the office of Surveyor-General. Enos	114		
203	An Act to regulate the levying of assessment or calls upon the capital stock of corporations. Enos	116		
204	An Act for the relief of John E. Reynolds. Carlock	116	296	
205	An Act to define the meaning of certain terms used in Section 3440 of the Political Code. Ryan	116		
206	An Act prescribing the manner of assessing certain property. Satterwhite	116		
207	An Act to provide for the maintenance, government, and discipline of the State Prison and its branches of the State of California. Sears	116		
208	An Act to amend Section 3779 of the Political Code. Langford	116		
209	An Act to empower Justices of the Peace to hold inquests concerning fires. George	116	501	
210	An Act to regulate the charges upon telegraph lines, and to prevent extortion by owners of telegraph lines. Johnson	116	578	
211	An Act to amend Section 1420 of the Civil Code, relating to water-rights and riparian proprietors. Satterwhite	121	364	
212	An Act to amend Section 1238 of the Code of Civil Procedure, relating to taking private property for public use. Satterwhite	121		
213	An Act to amend Section 358 of the Civil Code, concerning corporations. Satterwhite	121	208	738
214	An Act to amend Section 1600 of the Political Code, relating to challenges at school elections. Johnson	122		
215	An Act to establish a Quarantine at the Harbor of San Francisco. Neumann	122		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
216	An Act to amend Sections 294 and 295 of the Civil Code, concerning corporations. Chase.....	122		
217	An Act relative to official bonds. Enos.....	122		
218	An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California. Johnson.....	127	245	722
219	An Act to amend Section 3 of an Act entitled an Act authorizing the appointment of certain permanent employes of State Capitol, and fixing their compensation, approved March 30, 1874. Johnson ..	127	538	847
220	An Act for the protection of certain kinds of fish. Langford.....	127	537	860
221	An Act to compel railroad corporations, or individuals owning railroads, to operate their roads. Moreland.....	127	553	744
222	An Act to define the duties of the Governor and Legislature, under Section 1, of Article VII, of the Constitution, relating to the pardoning power. Enos.....	127		
223	An Act to amend Section 1386 of the Civil Code. Davis.....	127	209	843
224	An Act to provide for the payment of certain property heretofore taken for public use in the City and County of San Francisco. Enos.....	127		
225	An Act to regulate the rate which may be charged as interest on money in this State. Ryan.....	131		
226	An Act to amend Section 1586 of the Penal Code, relating to the transportation of convicts to the State Prisons. Hittell.....	131	294	758
227	An Act to amend Section 2221 of the Political Code, relating to transportation of insane persons to Asylums. Hittell.....	131	294	759
228	An Act making appropriations for the support of orphans, half orphans, and abandoned children, for the 32d and 33d fiscal years. Johnson.....	131		
229	An Act to repeal an Act to provide for the improvement and maintenance of the public roads in the County of El Dorado, approved March 26th, 1878. Brown.....	131		
230	An Act to amend Section 1174 of the Code of Civil Procedure. Baker.....	131		
231	An Act to provide for the payment of the claim of H. L. Nichols. Johnson.....	135		
232	An Act concerning the trial of escaped convicts from the State Prison, and the costs of the same. Sears.....	135	365	858
233	An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroner's inquests in said Prison. Sears.....	135	538	744
234	An Act concerning the trial of convicts for crimes committed in the State Prison, and the costs of the same. Sears.....	135	365	693
235	An Act to amend Section 3382 of the Political Code, relating to merchants' licenses. Neumann.....	139		
236	An Act concerning the Board of State Harbor Commissioners. Traylor.....	143	290	431

Number -----	TITLE.	Introduced	Passed Senate	Passed Assembly -----
237	An Act to prevent the running of tailings upon lands of another. Johnson -----	143		
238	An Act in relation to the parties to and place of trial in actions for injuries arising from tailings and debris from mines. Johnson-----	143		
239	An Act in relation to parties in actions to recover damages for injuries from flow of tailings. Johnson-----	143		
240	An Act to repeal an Act entitled an Act relating to advances, bona fide made to agents intrusted with goods, and for the better protection of such advances, approved March 30th, 1878. Johnson-----	143	298	844
241	An Act to create and establish a Board of Public Works for the State of California. Johnson -----	143		
242	An Act to amend Chapter I, Title XV, of the Penal Code, relating to the violation of laws for the preservation of fish and game. Traylor-----	143	577	861
243	An Act to amend Sections 3495 and 3498 of the Political Code, relating to affidavits of applicants to purchase portions of 16th and 36th sections. Ryan -----	143		
244	An Act to amend Section 3466 of the Political Code, in relation to the collection of delinquent charges and assessments in swamp or reclamation districts, made for reclamation purposes. Johnson-----	151	759	
245	An Act to amend Section 3481 of the Political Code. Johnson-----	151	290	
246	An Act to provide for the election of Trustees in swamp or reclamation land districts, in cases where there is no acting Board, and to provide for future elections or appointments of Trustees in such districts. Johnston-----	151	534	
247	An Act granting relief to taxpayers whose lands have been sold to the State. Johnston -----	151		
248	An Act to amend Sections 871 and 900 of the Code of Civil Procedure, relating to proceedings in Justices' Courts. Hittell-----	151	299	846
249	An Act to amend Section 3360 of the Political Code Carlock -----	152		
250	An Act to amend Sections 307 and 312 of the Civil Code of the State of California. Enos -----	159		
251	An Act to provide for funding the indebtedness of counties having more than 7,000 inhabitants. West-----	159	507	814
252	An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses. Hittell -----	159	299	845
253	An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide for a bounty for the same," approved March 30th, 1878. Langford-----	159	364	846
254	An Act granting relief to taxpayers whose lands have been sold to the State. Neumann-----	159		
255	An Act to enable the swamp land or reclamation districts of this State to fund indebtedness, and provide for the payment of the indebtedness so funded. Johnston -----	159		
256	An Act to establish and support a Bureau of Labor and Land Statistics. Watson -----	165		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
257	An Act to regulate riparian rights. Langford.....	165		
258	An Act to establish a simple and inexpensive system of procedure in civil cases. Enos.....	165		
259	An Act to regulate the cleansing of streets in cities and towns of the State of California. Kane.....	165		
260	An Act to amend Sections 2618 and 2698 of the Political Code, relating to highways. Ryan.....	167		
261	An Act to amend Section 1379 of the Code of Civil Procedure, relating to granting of letters of administration. Hittell.....	175	299	845
262	An Act to repeal Section 2694 of the Political Code. Kane.....	175		
263	An Act prohibiting the keeping or sale of animals afflicted with glanders or other contagious or infectious diseases. Enos.....	175	440	860
264	An Act prohibiting the admission of minors to houses of prostitution, or to houses or rooms resorted to for the purpose of prostitution. Enos.....	175	552	767
265	An Act to enable the San Francisco Society for the Prevention of Cruelty to Animals to take under wills. Enos.....	175		
266	An Act to amend Section 611 of the Civil Code, relating to cemetery corporations. Sears.....	175	662	854
267	An Act to suppress pigeon shooting and similar sports. Enos.....	175	509	
268	An Act providing for appeals from orders forming reclamation or swamp land districts, setting off such lands from such districts or consolidating districts. Johnson.....	180	442	858
269	An Act to amend Section 4 of an Act entitled "An Act to establish a scale of measurement of logs," approved March 28, 1878. Ryan..	180	352	859
270	An Act to amend Section 2941 of the Civil Code. Moreland.....	180	244	842
271	An Act to amend Section 449 of the Code of Civil Procedure. Enos...	182	508	859
272	An Act reducing fees for the commencement of actions in Justices' Courts in the City and County of San Francisco. Enos.....	182		
273	An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, and 3083 of the Political Code, relative to the registration of births, marriages, and deaths. Rowell.....	182		
274	An Act to reimburse the Support Fund of the Deaf, Dumb, and Blind Asylum. Nye.....	183	441	858
275	An Act to provide for the erection of buildings and improvements for the Deaf and Dumb and Blind Asylum. Nye.....	183	589	743
276	An Act to amend Section 3644 of the Political Code, relating to the assessment of vessels. Wendell.....	183	662	
277	An Act to amend Section 4 of an Act entitled "An Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes," approved March 20, 1878. Glascock.....	183	239	482
278	An Act to amend Section 431 of the Code of Civil Procedure. Enos...	184		
279	An Act to add a new section to the Penal Code, to be known as Section 307, relating to the use of opium. Davis.....	186	290	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
280	An Act to amend Sections 3607, 3617, 3627, 3628, 3629, 3630, 3640, 3641, 3650, 3652, and 3673 of Title 9 of the Political Code, to provide revenue for the support of the government of the State. Pardee -----	187		
281	An Act to amend Section 2217 of the Political Code, relating to committal of insane persons. Johnson -----	188	245	
282	An Act to enforce the provisions of Section 3 of Article XII of the Constitution. Johnson -----	188	244	760
283	An Act to confer power upon incorporated cities and towns to remove Chinese without the limits of such cities and towns, or to provide for their location within prescribed portions of those limits. Johnson -----	188	294	
284	An Act to amend an Act entitled an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons. Sears -----	188	705	
285	An Act to amend Sections 763 and 939 of the Code of Civil Procedure, relating to proceedings in partition and appeals therefrom. Zuck -----	197	245	734
286	An Act to confer power upon Boards of Supervisors of cities containing more than 100,000 inhabitants, to extend and complete all main intercepting sewers heretofore partially constructed. Neumann -----	197	589	815
287	An Act to amend Section 1491 of the Code of Civil Procedure, relating to claims against the estates of deceased persons. Hittell -----	197		
288	An Act for the relief of John Johnson. Johnson -----	198		
289	An Act to amend Section 539 of the Code of Civil Procedure, relating to writs of attachment. Johnson -----	198	589	270
290	An Act to amend Sections 1241 and 1260 of the Civil Code, relating to homesteads. Cheney -----	198		
291	An Act to amend Section 1260 of the Civil Code, relating to homesteads. Davis -----	198		
292	An Act to amend Sections 1475 and 1476 of the Code of Civil Procedure, relating to homesteads. Davis -----	198		
293	An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution. Davis -----	198		
294	An Act to provide for the organization and regulation of paid fire departments, in any cities, and in cities and counties of over 100,000 inhabitants. Conger -----	198		
295	An Act to discourage and prohibit corporations and individuals from holding large tracts of land. West -----	198		
296	An Act to appropriate money for the support of orphans, half orphans, and abandoned children. Johnson -----	198	300	529
297	An Act to amend Sections 3452, 3453, 3454, 3455, 3456, 3459, 3461, 3462, 3466, 3471, and 3481 of the Political Code. Johnston -----	199	702	
298	An Act to authorize the Boards of Supervisors of the several counties of the State to transfer certain funds. Ryan -----	199	566	861
299	An Act to amend Section 1192 of the Political Code, in relation to distribution of election tickets. Enos -----	203		

Number.	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
300	An Act to organize the State Board of Railroad Commissioners, to prescribe their duties, regulate their proceedings, and carry into effect the provisions of the Constitution of this State, in relation to rates and transportation of freights and passengers by common carriers, within the jurisdiction of this State. West.....	203		
301	An Act relating to intelligence offices. Kane.....	203		
302	An Act to amend Section 4408 of the Political Code, relating to the government of cities. Davis.....	203		
303	An Act to repeal Sections 315, 316, and 317 of the Code of Civil Procedure. Ryan.....	203		
304	An Act to amend an Act entitled "An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the City and County government, and the people of the City and County of San Francisco," approved March 9th, 1870, in conformity with the Constitution adopted by the people of this State, May 7th, 1879. Dickinson...	203	296	759
305	An Act to encourage the planting and growing of timber. Hill.....	203		
306	An Act relating to the intoxication of officers. Hill.....	203	290	843
307	An Act relating to swindling by cards or other means. Hill.....	203	440	857
308	An Act to provide for the recovery of damages for death or injuries caused by the use of intoxicating liquors. West.....	213		
309	An Act to amend Sections 1083, 1095, 1113, 1115, 1116, 1187, 1228, 1230, 1232, and 1233 of the Political Code, relative to registration and elections. Burt.....	213	553	
310	An Act appropriating money for the relief of Mrs. Louisa Kohler. Traylor.....	213		
311	An Act to appropriate money to the California Artificial Stone Paving Company, to pay the balance due the company for laying down the stone walks and avenues about the capitol grounds. Enos.....	213	365	759
312	An Act providing for the payment to Anna E. Haight (Executrix of the last will and testament of H. H. Haight, deceased) and to Stephen H. Philips, for professional services rendered the State of California by said H. H. Haight and said Philips as special counsel of the Commissioners of Transportation. Nye.....	213		
313	An Act to provide for the management and control of the State Agricultural Society by the State. Johnson.....	214	443	806
314	An Act to repeal Section 3432 of the Civil Code, relating to debtors and creditors. Davis.....	214		
315	An Act to regulate the issuance of certificates of stock of corporations incorporated under the laws of this State. Conger.....	214	590	
316	An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities, now in the State Treasurer's office, and not otherwise appropriated. Johnson.....	214		
317	An Act to amend Section 1726 of the Code of Civil Procedure, relating to the duties of Public Administrators. Moreland.....	214	565	
318	An Act for the relief of purchasers of State lands. Anderson.....	214		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
319	An Act to provide for the establishment of salmon hatching works on some tributary of the San Joaquin River, and to make an appropriation therefor. Langford-----	214	564	882
320	An Act to provide for the compensation of Principals, Vice Principals, and Teachers of common schools in the City and County of San Francisco. Enos-----	214		
321	An Act making an appropriation for the improvement of L street, between Tenth and Fifteenth streets, in the City of Sacramento, County of Sacramento, State of California. Johnson-----	221	364	847
322	An Act to prevent officers of mining corporations from being interested in contracts, milling of ores, furnishing supplies, or performance of work or any business of the corporation. Conger-----	221		
323	An Act to add a new section to the Political Code, to be numbered Section 3491, relative to the election of Trustees of reclamation districts, and their term of office. Glascock-----	222		
324	An Act to provide for the settlement of the indebtedness created by the survey of the "West Side Irrigation District," and to make an appropriation to pay the same. Pool-----	224		
325	An Act to amend Section 544 of the Code of Civil Procedure of the State of California, in relation to attachments. Johnson-----	224		
326	An Act to amend Section 543 of the Code of Civil Procedure of the State of California, in relation to attachments. Johnson-----	224		
327	An Act to amend Section 537 of the Code of Civil Procedure, in relation to attachments. Johnson-----	224		
328	An Act to empower and direct the Trustees of Levee District No. 1, of Sacramento County, to pay certain indebtedness outstanding against the late Swamp Land District No. 287, contracted for repairs upon levee. Johnson-----	224	569	
329	An Act to provide for the compensation of the officers and persons performing duties and incurring expense under "An Act to create a drainage district, to be called the Sacramento River Drainage District, and to establish a Board of Commissioners therefor, and to define their powers and duties," approved April 1, 1878. Johnson-----	225	561	
330	An Act to amend Section 739 of the Code of Civil Procedure, relating to actions to determine conflicting claims to real property. Hittell-----	225	537	
331	An Act to amend Section 1241 of the Civil Code, relating to homesteads. Hittell-----	225		
332	An Act to provide for the construction, maintenance, and regulation of fishways. Langford-----	225	640	877
333	An Act to amend the Civil Code, to provide for the redemption of stock sold for assessments delinquent. George-----	225		
334	An Act to amend an Act entitled an Act to organize a levee district in Yuba, Sutter, and Placer Counties, and to provide for the construction, maintenance, and repair of levees therein, approved March 30th, 1878, relating to its boundaries and officers. Davis-----	225		
335	An Act providing for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing at the Presidio. Neumann-----	225	298	840

[illegible]

Number	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
357	An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to the Town of Quincy, Plumas County, and to regulate freights and fares thereon. Watson-----	257		
358	An Act to amend Section 581 of the Code of Civil Procedure, in reference to where cases in Court may be dismissed or nonsuit entered. Enos-----	257		
359	An Act to preserve water rights. Rowell-----	257		
360	An Act to repeal Section 1422 of the Civil Code. Rowell-----	257		
361	An Act entitled an Act to prevent the accumulation of large landed estates. Glascock-----	260		
362	An Act to provide for the organization, incorporation and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of Section 7, Article XI, of the Constitution of this State. Traylor-----	265	549	803
363	An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State. Enos-----	271		
364	An Act to amend Section 1573 of the Code of Civil Procedure, relating to the time within which certain actions may be commenced. Hittell-----	271	552	854
365	An Act to amend the eighth subdivision of Section 690 of the Code of Civil Procedure. Gorman-----	275		
366	An Act to amend Section 607 of the Penal Code. Langford-----	275	537	766
367	An Act to repeal an Act entitled "An Act to create a drainage district, to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties," approved April 1, 1878. Johnston-----	275	566	
368	An Act to add a new section to the Political Code, to be numbered 3491, relative to the election of Trustees of reclamation districts, and their term of office. Johnston-----	275	484	832
369	An Act to punish baggage smashers. Hill-----	275	553	859
370	An Act to adjudicate certain claims, and to provide for the payment of the same. Johnson-----	275		
371	An Act to prevent Trustees, Councils, Boards of Supervisors, or other local legislative bodies, from holding secret meetings. Enos-----	275		
372	An Act to tax the owners of large tracts of land in the State of California. Hudson-----	275		
373	An Act to amend Sections 324, 3087, 3091, 3093, and 3095, of the Civil Code of the State of California. Traylor-----	275		
374	An Act to provide for the further extension of the water front line of the City and County of San Francisco, and the construction of the sea wall. Traylor-----	275	632	837
375	An Act to provide for the payment of certain claims against the City of Eureka. Ryan-----	275		
376	An Act to provide for the redemption of outstanding bonds of the several counties of this State. Ryan-----	276	707	

Number	TITLE	Introduced	Passed Senate	Passed Assembly
377	An Act to amend Section 616 of the Political Code, relating to foreign insurance companies. Sears.....	276	641	
378	An Act to amend Section 450, and to repeal Sections 451 and 452 of the Civil Code of California, relating to life insurance. Sears.....	276	661	
379	An Act to add a new section to the Civil Code, to be known as Section 453, in relation to life insurance companies. Enos.....	276		
380	An Act to amend Section 114 of the Code of Civil Procedure. Johnston.....	276		
381	An Act to add a new section to the Civil Code, to be numbered 2937, relating to mortgages. Brown.....	276		
382	An Act to add a new section to the Code of Civil Procedure, to be numbered 676, relating to judgments. Brown.....	276		
383	An Act to establish a branch State Normal School. West.....	282	590	
384	An Act to establish free public libraries and reading rooms. Neumann.....	282	643	87
385	An Act to regulate the practice of pharmacy. Watson.....	285	751	
386	An Act to amend Sections 2647 and 2650 of the Political Code, relating to duties of Commissioners of Highways, Boards of Supervisors, and Road Overseers. Cheney.....	285		
387	An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to drunkards or Indians, and to repeal an Act entitled "An Act to prevent the sale of intoxicating liquors to minors," approved March 4th, 1872. Cheney.....	286	705	
388	An Act to provide for the payment of certain outstanding bonds of Plumas County. Cheney.....	286		
389	An Act to confer further powers upon the Board of State Harbor Commissioners. Kelly.....	286		
390	An Act to prohibit the keeping of places of resort for smoking or otherwise using opium. Gorman.....	286		
391	An Act to amend Section 1161 of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real property. Hittell.....	286	566	
392	An Act to amend Section 595 of the Code of Civil Procedure, relating to postponement of trials. Hittell.....	286	311	
393	An Act entitled An Act to authorize D. M. Kenfield to sue the State of California. Lampson.....	286		
394	An Act to amend Section 811 of the Penal Code, concerning the jurisdiction of Magistrates. Nye.....	286	610	
395	An Act to provide for the payment of the Judges of the Superior Courts of this State. Nye.....	286	565	
396	An Act to amend Section 542 of the Code of Civil Procedure, relating to the levy of attachments. Nye.....	286	589	
397	An Act to amend Sections 3607, 3617, 3627, 3628, 3629, 3630, 3634, 3640, 3641, 3643, 3650, 3651, 3652, 3663, 3673, 3678, 3679, 3730, 3752, 3839, and 3861, and to add a new section, to be numbered 3664 to, and to reenact Section 3717 of Title IX of the Political			

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
	Code, to provide revenue for the support of the government of the State. Pardee-----	292		
398	An Act to amend Sections 3607, 3617, 3627, 3628, 3629, 3630, 3634, 3640, 3643, 3650, 3651, 3652, 3663, 3673, 3678, 3679, 3717, 3730, 3752, 3756, 3839, and 3861, and to repeal Sections 3680 and 3687 of an Act entitled "An Act to establish a Political Code," approved March 12th, 1872, relating to revenue, and to add two new sections, numbered 3664 and 3665. Moreland-----	293		
399	An Act to amend Sections 1517, 1521, 1532, 1543, 1545, 1548, 1550, 1551, 1577, 1593, 1597, 1598, 1600, 1611, 1616, 1617, 1619, 1620, 1621, 1622, 1624, 1662, 1663, 1665, 1666, 1696, 1701, 1712, 1715, 1768, 1769, 1770, 1771, 1772, 1774, 1775, 1787, 1788, 1790, 1791, 1817, 1818, 1834, 1835, 1836, 1837, 1857, 1858, 1859, 1861, 1869, 1871, 1874, and to repeal Sections 1652, 1669, 1670, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1757, 1758, 1777, 1793, 1838, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, and 1872 of the Political Code, and to add five new sections thereto, to be known as Sections 1565, 1583, 1703, 1704, and 1879. Committee on Education-----	311	462	
400	An Act to amend Section 2756 of the Civil Code, and to add a new section to the same Code, to be known as Section 2757, concerning fire insurance. Brown-----	315	640	
401	An Act to add to Part II, Division 2d, of the Civil Code, a new title, to be known as Title V, containing eighteen sections, to be numbered 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, and 895, relating to mining laws. Brown-----	315		
402	An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, and 1199, of the Code of Civil Procedure, and to add three new sections, to be known as Sections 1200, 1201, and 1202, relating to liens of mechanics and others. Johnson-----	316		
403	An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning ground of the head waters of said river and its tributaries. Carlock-----	316	554	
404	An Act to add a new section to the Political Code, to be known as Section 2715, relating to public highways. Zuck-----	316	643	860
405	An Act declaring the Tembladera Slough, in the County of Monterey, a navigable stream. Hill-----	316		
406	An Act to provide for the payment of certain funds heretofore granted to the University of California, and for the investment thereof. Davis-----	316		
407	An Act to empower the Board of State Harbor Commissioners to adjust, audit, and pay the claim of W. H. Martin & Co. Traylor-----	316	704	
408	An Act to amend Section 10 of the Political Code, defining legal holidays. Baker-----	316	564	
409	An Act to amend Section 7 of the Civil Code, defining legal holidays. Baker-----	316	565	761
410	An Act to amend Section 10 of the Code of Civil Procedure, defining legal holidays. Baker-----	316	565	761

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
433	An Act relating to fishing in the waters of this State. Gorman-----	370	642	877
434	An Act to empower consolidated cities and counties of over 100,000 inhabitants to pay out of the General Fund demands for rent of court-rooms and chambers for the Superior Courts, and of police stations, and for salaries of Janitors. Enos-----	370		
435	An Act to empower consolidated cities and counties of over 100,000 inhabitants to make alterations to county prisons and county jails for sanitary purposes. Enos-----	370		
436	An Act to ascertain the will of the people of the State of California touching the propriety of so changing our public school system as to place the education of children more under parental control, to render it less expensive and better adapted to the wants of the rising generation than is practicable under the present system. Langford.	370		
437	An Act to amend Sections 626 and 631 of the Penal Code of the State of California. Traylor-----	370		
438	An Act to add a new section to the Civil Code, to be known as Section 580, relating to savings and loan corporations. Burt-----	370		
439	An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State. Pardee-----	370	493	806
440	An Act to repeal an Act entitled an Act to provide for a drainage district of the County of Yolo, approved March 28, 1868. Harlan.	371		
441	An Act declaring void and forfeited to the State a certain grant of marsh and tide lands made to the Western Pacific Railroad Company, and the Southern Pacific Railroad Company, by the Act approved March 30th, 1868, entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California. Kane-----	371		
442	An Act to provide for the payment of the amount of interest due to Hastings College of the Law. Hittell-----	371	716	869
443	An Act to provide for the approval and allowance of the claim of D. B. Woolf, and to appropriate money for its payment. Baker-----	371		
444	An Act to amend Section 370 of the Code of Civil Procedure, relating to parties to actions. Cheney-----	371	567	
445	An Act to add a new section to the Political Code, to be known as Section 3491, relating to individual reclamation of swamp lands in certain cases. Wendell-----	371	662	
446	An Act to appropriate money for the purchase of a steam launch for the quarantine office of the Port of San Francisco. Dickinson-----	371		
447	An Act to regulate the bonds of Treasurers, Tax Collectors, Sheriffs, or other public officers having the collection, disbursing, or charge of public moneys in their official capacity, in any city and county, or incorporated city or town, or any incorporated city and county of this State. Enos-----	371		
448	An Act to regulate the bonds of the Treasurers of counties, cities and counties, incorporated cities and towns, or of any incorporated city or county in this State. Enos-----	371		
449	An Act to authorize State Boards of Directors, Commissioners, Trustees, or Regents, to sue and defend in their official or corporate capacity. Enos-----	372		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
467	An Act to pay the claim of John Voorhies. Traylor	379		
468	An Act to pay the claim of L. L. Lewis. Traylor	379		
469	An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture during the thirtieth fiscal year. Traylor	379	588	826
470	An Act to amend Section 1206 of the Code of Civil Procedure of the State of California, concerning liens for salaries and wages. Nye	379		
471	An Act to amend Sections 849, 868, 902, and 923 of the Code of Civil Procedure, concerning proceedings in Justices' Courts. Nye	379		
472	An Act to amend Section 3446 of the Political Code. Johnston	380	663	
473	An Act to empower and direct the Trustees of Levee District No. 1, of Sacramento County, to pay certain indebtedness outstanding against the late Swamp Land District No. 287, and due C. G. Hidden, Charles V. Brockway, Moses Sprague, A. Mouton, R. J. Merkley, Philip Herzog, George Peters, Samuel Foreman, Daniel Flint, and Howell Clark, for money and labor expended on repairs on levee. Committee on Swamp and Overflowed Lands	387		864
474	An Act to amend Section 1369 of the Code of Civil Procedure, relating to Administrators. Hittell	387	716	
475	An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove. Lampson	387	485	729
476	An Act to provide for funding the indebtedness of cities having a population exceeding 7,000 inhabitants, and not exceeding 100,000. West	401	727	855
477	An Act to amend an Act entitled an Act to provide for the protection of lands from overflow in the County of Yuba, approved March 2d, 1872. Davis	415		
478	An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services in preparing bills adapting the Codes to the Constitution. Davis	415		
479	An Act to confer upon women the privilege of voting. Enos	421		
480	An Act to amend Sections 1033, 1034, 1035, 1182, and 1191, of the Penal Code, relating to criminal procedure. Hittell	421		
481	An Act to amend Section 125 of the Code of Civil Procedure, relating to trials of actions. Baker	422		
482	An Act for the better preservation of fish, by providing and maintaining fish screens at the heads of mining and irrigating ditches. Carlock	422	706	
483	An Act to amend Section 628 of the Penal Code, relative to the destruction of deer, antelope, elk, and other animals. Carlock	422	706	
484	An Act to authorize Boards of Supervisors to issue bonds to redeem or to provide for outstanding bonds about to mature. Carlock	422		
485	An Act to authorize the incorporation of individuals for the purpose of organizing a private and protective night watch force in cities of over fifteen thousand inhabitants. Moreland	422		
486	An Act to pay the claim of W. C. Guirey. Lampson	422		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
487	An Act to amend Section 3766 of the Political Code, relating to publication of delinquent tax lists. Nye.....	422		
488	An Act to amend Section 3410 of the Political Code, relating to the payment for services rendered the State by the Registers and Receivers of the United States Land Offices. Nye.....	422		
489	An Act to amend Sections 3414 and 3415 of the Political Code, relating to contests of the approval of surveys of public lands. Nye..	422		
490	An Act to amend Section 793 of the Civil Code, relating to actions for possession of real property in certain cases. Nye.....	422	717	
491	An Act to amend Section 78 of the Civil Code, relating to actions to determine and declare the validity of marriages in certain cases. Nye.....	422	717	
492	An Act to amend Section 2282 of the Civil Code relating to the manner in which a Trustee may be discharged from his trust. Nye..	422	717	
493	An Act to amend Section 4070 of the Political Code, forbidding Supervisors to allow claims or contract debts in certain cases. Wendell.....	422	662	
494	An Act to amend Sections 4024, 4025, and to repeal Section 4111 of the Political Code, relating to the election and term of office of Supervisors. Wendell.....	422		
495	An Act to add a new section to the Political Code, to be known as Section 4330, creating a salary fund. Wendell.....	423		
496	An Act to add a new section to the Political Code, to be known as Section 4329, relating to the compensation of Justices of the Peace. Wendell.....	423		
497	An Act to amend Section 4072 of the Political Code, relating to the preservation of claims against counties. Wendell.....	423	662	
498	An Act concerning road poll taxes. Wendell.....	423		
499	An Act to amend Section 1257 of the Political Code, relating to elections. Hittell.....	423		
500	An Act to provide for the future management of the Insane Asylums of the State. Wendell.....	430	706	
501	An Act to provide for the irrigation, drainage, and debris investigation. Brown.....	430		
502	An Act to amend Sections 3467 and 3469 of the Civil Code, relating to assignments for the benefit of creditors. Nye.....	430	717	
503	An Act to authorize Tax Collectors, attorneys, and all other persons charged with the collection of State, county, or municipal delinquent taxes, to rebate, under certain conditions, the interest therein accrued. Sears.....	430		
504	An Act to add a new section to the Code of Civil Procedure, to be known as Section 663, relating to proceedings for new trials. Hittell.....	438	717	
505	An Act to add a new section to the Code of Civil Procedure, relative to the publication of notices, to be known as Section 1060. Gorman.....	438		
506	An Act to amend Section 528 of the Political Code. Johnson.....	438		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
507	An Act amendatory of and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2d, 1867, approved March 30th, 1868, and of the Act amendatory thereof, approved January 26th, 1874. Brown-----	438		
508	An Act to authorize the practice of medicine in the State of California. Pardee-----	438		
509	An Act for the importation and protection of song and game birds. Pardee-----	438		
510	An Act to refund certain money to the County of Mendocino. Ryan-----	438		
511	An Act to amend Section 1102 of the Code of Civil Procedure, relative to writs of prohibition. Rowell-----	438		
512	An Act to provide for the future management of the Insane Asylums of the State, and to amend Sections 2136, 2137, 2138, 2139, 2140, 2150, 2152, 2154, 2168, 2169, 2183, 2193, 2197, 2198, 2199, 2200, and 2220 of the Political Code, relating to the Insane Asylums of the State, and to add a new section thereto to be known as Section 2156. Committee on Public Buildings-----			
513	An Act to add Sections 3346, 3347, and 3348, to the Political Code, relating to volunteer firemen and fire companies. Watson-----	470		
514	An Act to repeal Section 2545 of the Political Code, relating to eligibility of Harbor Commissioners. Rowell-----	470		
515	An Act to appropriate money for the support of aged and infirm women. Lampson-----	470		
516	An Act to add certain sections to the Political Code, concerning the State Militia, to be known as sections number 1978 and 1979. Dickinson-----	470		
517	An Act to amend section 882 of the Penal Code, concerning conditional examinations of witnesses on behalf of the people. Nye---	470		
518	An Act to amend Section 382 of the Code of Civil Procedure. Davis-----	481		
519	An Act appropriating one hundred dollars per month for the purpose of procuring suitable rooms for "Hastings College of the Law." Hittell-----	481	738	
520	An Act to amend Sections 633 and 634 of the Code of Civil Procedure, relating to findings. Hittell-----	481		
521	An Act to provide for the establishment of institutions for the employment of needy persons. Johnson-----	481		
522	An Act to amend Section 804 of the Code of Civil Procedure. Dickinson-----	481		
523	An Act to amend Section 315 of the Civil Code. Dickinson-----	481		
524	An Act to prevent the sale or furnishing of intoxicating beverages on the Sabbath day. Ryan-----	481		
525	An Act to amend Sections 299, 300, and 301 of the Penal Code, relating to business transactions on Sunday. Nye-----	481		

Number.	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
526	An Act to pay the Society of California Pioneers rent for rooms for the Hastings College of the Law. Dickinson-----	481	631	876
527	An Act to disincorporate the town of San Rafael, and provide for the payment of its debts. Sears-----	481		
528	An Act to amend Section 3714 of an Act entitled "An Act to establish a Political Code," approved March 12th, 1872, relating to revenue. Moreland-----	491	516	745
529	An Act to encourage persons capable of becoming citizens of the United States to become such. Enos-----	505		
530	An Act to amend Section 631 of the Code of Civil Procedure, relating to jury trials in civil cases. Hittell-----	515		
531	An Act to confer upon female citizens the right to vote upon all matters relating to the public schools of the State of California. Johnson-----	521		
532	An Act to provide for the payment of expenses incurred by Superior Judges in holding Courts in counties other than those for which they were elected. Johnson-----	521		
533	An Act to amend the Civil Code, by adding a new section thereto to be known as Section 2178, relating to common carriers. Baker--	522		
534	An Act to provide for the recovery of damages for death or injuries caused by the use of intoxicating liquors. West-----	525		
535	An Act relating to the privileges and exemptions of exempt firemen. Pool-----	532		
536	An Act to amend an Act entitled an Act to amend Sections 3335 and 3337 of the Political Code. Hill-----	532		
537	An Act to extend the boundaries of incorporated cities and towns. Sears-----	532		
538	An Act to amend Section 456 of the Civil Code, relating to the debts of railroad corporations, and securities therefor, and sales of the property of said corporations. Moreland-----	540	630	801
539	An Act to amend Section 839 of the Code of Civil Procedure, relating to the commencement of actions in Justices' Courts. Ryan--	540		
540	An Act to provide rules for working mines involving easements, drainage, and other necessary means to their complete development. Neumann-----	540		
541	An Act making appropriations for the support of the government of the State of California for the thirty-second fiscal year. Pardee--	542		
542	An Act to amend Section 688 of the Code of Civil Procedure. West--	548		
543	An Act to amend the Civil Code of the State of California by amending Sections 1044 and 2947, and by adding new sections, to be numbered 1096 and 1116. West-----	548		
544	An Act to amend Section 1263 of the Civil Code, relative to homesteads. Baker-----	557		
545	An Act to amend Section 636 of the Penal Code. Traylor-----	557		843
546	An Act to provide for the payment for water used by the University of California. Nye-----	557		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
547	An Act to amend Section 3932 of the Political Code, relating to the boundary lines of San Joaquin County. Langford-----	557		
548	An Act relating to weights and measures. Neumann-----	557		
549	An Act to provide for the payment of the salaries and traveling expenses of the State Board of Equalization, and the Clerk thereof, and for postage and contingent expenses of said Board for the thirty-first fiscal year, ending January 30th, 1880. Sears-----	562		
550	An Act to provide a contingent fund for the use of the Senate. Zuck-----	564	588	749
551	An Act to amend Section 613 of the Code of Civil Procedure of the State of California, relating to trial by jury. Baker-----	564		
552	An Act to prevent the adulteration of honey. Nye-----	573		
553	An Act to provide for the election of Superintendents of Schools and Assessors, and to fix their terms of office. Nelson-----	574		
554	An Act to amend an Act entitled an Act to reincorporate the Town of Woodland, approved March 24th, 1874. Harlan-----	576		
555	An Act making an appropriation for the State Printing Office for the fiscal year, ending June 30th, 1880. Hill-----	576	641	787
556	An Act making an appropriation for deficiency in the expenses of the State Prison for the thirty-first fiscal year, ending June 3d, A. D. 1880. Watson-----	578		
557	An Act making an appropriation for deficiency in the appropriation for the permanent improvement of the State Capitol grounds lying east of the State Capitol building. Johnson-----	578		
558	An Act to provide for the establishment of a State Normal School at the City of Santa Rosa. Moreland-----	596		
559	An Act defining the powers and duties of Boards of Supervisors, Councilmen, or Aldermen of cities, or cities and counties. Enos--	596		
560	An Act to amend the Political Code by adding a section thereto, to be numbered 4125. Brown-----	596		
561	An Act to authorize the payment of claims heretofore contracted by Boards of Supervisors in counties, or consolidated cities and counties of 100,000 inhabitants. Nelson-----	596		
562	An Act to amend Section 636 of the Penal Code of the State of California, relative to fishing in the waters of this State. Neumann-----	597		
563	An Act to provide for the payment of the salaries and expenses of the Board of Railroad Commissioners for the thirty-first fiscal year, ending June 30th, 1880. Sears-----	692	724	828

SENATE JOINT AND CONCURRENT RESOLUTIONS.

Number	TITLE.	Introduced	Passed Senate.	Passed Assembly.
1	Relative to a Joint Convention of both Houses. Davis.....	7		
2	Relative to appointing a committee to wait on the Governor. Pardee.....	7		
3	Relative to appointing a committee for inauguration. Johnson.....	7	7	17
4	Relative to Joint Committee for inauguration of the Governor elect. Dickinson.....	8		
5	Relative to Constitution. Baker.....	20		
6	Relative to heating Senate and Assembly Chambers. Carlock.....	27	663	
7	Relative to asking opinion of Supreme Court in relation to Constitution. Sears.....	48		
8	Relative to Humboldt Bay. Ryan.....	68	189	
9	Relative to free coinage of silver, etc. Chase.....	73		
10	Relative to Franco-American Treaty. Davis.....	75	166	212
11	Relative to manufacturing jute in State Prison. Baker.....	75	296	395
12	Relative to a Joint Committee to wait on Supreme Court. Dickinson.....	81	81	116
13	Relative to importation of liquor. Chase.....	86		
14	Relative to the Burlingame Treaty. Gorman.....	86		
15	Relative to Joint Committee meeting. Johnson.....	96	96	130
16	Relative to leave of absence being granted to Committee on Mines, etc. Neumann.....	125		164
17	Relative to duties on steam plows.....		194	244
18	Relative to Report of State Engineer. Satterwhite.....	144	144	199
19	Relative to Treaties with Central Nations. Neumann.....	230	705	
20	Relative to appointment of Yosemite Valley Commissioners. Lampson.....	238	238	290
21	Relative to National bank notes. Chase.....	238	663	
22	Relative to publishing Bank Commissioner's Report. Dickinson.....	238	238	290
23	Relative to granting Joint Military Committee leave of absence. Dickinson.....	246	246	312
24	Relative to amending certain articles in the Constitution.....	247		

Number	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
25	Relative to State Hospital for consumptives. Hittell.....	260	539	686
36	Relative to employing counsel in cases to test validity of legislation enacted under Constitution. Dickinson.....	304	663	
27	Relative to the removal of certain duties on paper. Hill.....	317		
28	Relative to providing for Veterans of Mexican War. Satterwhite...	318		
29	Relative to asking Congress for appropriations. Johnson.....	401	663	
30	Relative to printing of revenue laws, etc. Sears.....	471		
31	Relative to Mexican land grants. Enos.....	557		

